

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
APRIL 16, 2009 AT 8:00 P.M.**

Mr. 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 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: Bennett, Karch, Burry, Yodakis, Goubeaud and Hesslein

ABSENT: Barnett, Sobieski and Wagar

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

Approval of Minutes

Motion to Approve the Minutes of March 19, 2009:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Karch, Burry, Yodakis and Hesslein

NEGATIVE: None

RESOLUTIONS:

Application ZB810 – Trump International – Block 46, Lot 1.52 – Professional Circle

Memorialization of Resolution to permit the conversion of a mechanical equipment area to usable floor area resulting in a building height exceeding the permitted height by more than 10%. A Variance (N.J.S.A. 40-55D-70d6) is required to permit a building height of 40.79’ where 35’ is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Karch, Burry, Yodakis and Hesslein

NEGATIVE: None

Application ZB811 – Flancaum – Block 48, Lot 21 – 7 Yearling Path

Memorialization of Resolution to permit the construction of a single family dwelling in the AG Zone. A variance is required to permit a building height of 38’5” where 35’ is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Karch, Burry and Hesslein
NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

Application ZB793 – Meicke – Block 14, Lot 2 – 260 Heyers Mill Road

Application for Interpretation of the Zoning Ordinance requesting a determination that the existing nonconforming structure has not been destroyed and can be reconstructed without variance approval. In the alternative, the applicant seeks variances to reconstruct an existing detached garage. Variances are required to permit a front setback of 27' where 100' is required, side setback of 14' where 27.8' is required, total accessory building coverage of 6.9% where 5% maximum permitted, first floor area of 1,472 s.f. where 900 s.f. maximum permitted and total floor area of 1,472 s.f. where 1,200 s.f. maximum permitted.

The Board received a letter from Mr. Meicke asking the hearing to be rescheduled to the May meeting. The Board agreed, however stipulated if the applicant does not notice and does not further the application at the May meeting it will be dismissed. Mr. Anfuso agreed to notify the applicant.

APPLICATIONS: New Business:

Application ZB812 – DeBlase – Block 35, Lot 1.22 – 2 Utopia Drive

Application to install a pool and cabana in the A-1 Zone. Variances are required to permit a front setback of 101' and 109' for the cabana and 112' and 111' for the pool where 150' is required and a cabana to pool separation of 0' where 10' is required. The pool filter require variances to permit a front setback of 91' and 138' where 150' is required

Six items were marked as exhibits – zoning review, application, pool grading plan, Board of Health comments, Fire Prevention comments and cabana elevations. Anthony DeBlase, applicant and Chester DiLorenzo, Engineer/Planner – both sworn.

Mr. DiLorenzo explained to the Board the applicant's property has three front yards. The rear property fronts on both Laird and Phalanx Road's with a heavily screened 75' landscape easement. There are berms that are 10' – 15' in height with the landscaping on top. The cabana is an open pavilion with no walls. The proposed location is the best location for the pool and cabana. Open to the public with no comments.

The Board felt the applicant had a hardship with three front yards. The Board agreed the proposed location is the best location for the pool and cabana – the Fire Marshall had no comments. The Board did not make it a condition but did recommend the applicant add more landscaping on the berms – the applicant agreed and stated they wanted more privacy.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Bennett, Karch, Burry, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

Application ZB813 – Cantalupo – Block 7.31, Lot 1.15 – 27 Applethorn Court

Application to construct a front and side porch and rear addition to a single family dwelling in the A-1 Zone. A variance is required to permit building separation of 14' where 20' is required.

Five items were marked as exhibits – zoning review, application, architectural plans, Board of Health comments and survey. John Cantalupo, applicant – sworn.

Mr. Cantalupo explained he is putting an addition on his home so his father can move in with them. He has spoken with the Health Officer and he will be put in a new septic system as required if this variance is granted. He has also spoken with the Fire Marshall and will remove the existing deck to satisfy his concerns. Open to the public with no comments.

The Board thought the applicant has done a good job in making a seamless improvement to the house. As long as the applicant was willing to remove the deck and put in a new septic the Board was satisfied.

Motion to Approve the Application:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Bennett, Karch, Burry, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

Application ZB814 – Walsh – Block 29.13, Lot 13 – 17 New Street

Application to construct an 18' x 16' deck over an existing brick patio in the A-3 Zone. Variances are required to permit front setback of 73' where 75' is required, a side setback of 7' where 30' is required and a total lot coverage of 44.8% where 30% is the maximum permitted and 44.25% currently exist.

Six items were marked as exhibits – zoning review, application, survey, Board of Health comments, Fire Prevention comments and an 8 ½" x 11" photo. Steve Walsh, applicant – sworn.

Mr. Walsh told the Board he would like to construct an 18' x 16' deck over an existing patio. This will make for safe entry into the house. Open to the public with no comments.

The Board felt since the applicant is covering an existing deck it is not exasperating the situation. The property is a unique undersized lot with a unique shape. The whole house is within the existing front setback.

Motion to Approve the Application:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Bennett, Karch, Burry, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Burry at 8:40 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 16, 2009 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on May 21, 2009.

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