

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
APRIL 15, 2010 AT 8:00 P.M.**

Mr. Karch called the meeting to order by reading the following statement: "As Presiding Officer of the Colts Neck Zoning Board, I hereby declare that the notice requirements of the law has 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: Karch, Burry, Bennett, Wagar, Yodakis and Lewis

ABSENT: Hesslein, Sobieski and Farrell

ALSO PRESENT: Timothy Anfuso, P.P., Mike Steib, Esq., and Ruth Leininger

**Approval of Minutes:**

Motion to Approve the March 8, 2010 Meeting Minutes:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Karch, Burry, Bennett and Lewis

NEGATIVE: None

Motion to Approve the March 18, 2010 Meeting Minutes:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: Karch, Burry, Bennett, Wagar and Yodakis

NEGATIVE: None

**RESOLUTIONS:**

None

**ADMINISTRATIVE ITEMS:**

**Discussion and Memorialization of Resolution Consenting to Termination of Contract for Professional Engineering Services**

Mr. Steib, Esq. explained to the Board that our Township Engineer, Glenn Gerken was an employee of CMX Engineering. We received correspondence from CMX stating that they have ceased doing business. The Board must accept/consent to the termination and secondly appoint Mr. Gerken as an employee of T & M Engineering for the remainder of the year.

Motion to Approve and Memorialize the Resolution:

OFFER: Burry

SECOND: Bennett

AFFIRMATIVE: Karch, Burry, Bennett, Wagar, Yodakis and Lewis

NEGATIVE: None

### **Discussion and Memorialization of Resolution for the Appointment of Professional Engineering Services**

Motion to Approve and Memorialize the Resolution:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Karch, Burry, Bennett, Wagar, Yodakis and Lewis

NEGATIVE: None

### **APPLICATIONS: Old Business**

#### **Application ZB829 – Petillo – Block 16, Lot 33.10 – 22 Homestead Drive**

Application to construct a new single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 7.1% where 6 % is the maximum permitted.

The Board received a letter from the applicant's attorney stating they would like to withdraw the application without prejudice.

Motion to Dismiss the Application Without Prejudice:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: Karch, Burry, Bennett, Wagar, Yodakis and Lewis

NEGATIVE: None

#### **ZB819 – Savo –Block 51, Lot 2.31 – 1 Air Dancer Lane**

Application to construct a new single family dwelling in the AG Zone. Variances are required to permit a front yard setback of 86.3' from Air Dancer and 88.6' from Squan Song where 215' is required, a side yard setback of 121.8' and 125' where 190' is required, a building height of 37.96' where 35' is the maximum permitted, a spire height of 45.58' where 43.75' is the maximum permitted and a total lot coverage of 16.17% where 15% is the maximum permitted.

Mr. Steib, Esq. reminded the Board this application is a continuation from last month. Five new items were marked as exhibits – 90' rule conforming plan, variance plan, color rendering of plan, zoning review, report from Fire Marshall.

Mr. Garito, Engineer – sworn. Mr. Garito told the Board there has not been any revisions to the house itself but they have reduced total lot coverage. They have mostly reduced the driveway and pool patio

area and redistributed the coverage by approximately 1600 s.f. To alleviate any drainage issues a Stormwater management system has been designed. Mr. Garito showed the Board a plan where the same house has been rotated to eliminate the need for all setback variances except for the height. This plan however does not include a pool or pool house.

Christine Cafone, Planner – sworn. Ms. Cafone told the Board that although the house could be rotated to eliminate variances caused by the 90’ rule, it was not visibly desirable. The advantage of the proposed house location is that the house is not looking out onto neighboring homes and is able to create a more private back yard. The applicant is trying to develop the property consistent with the surrounding properties. The subdivision that created this neighborhood was perfected prior to the lot coverage ordinance restriction. This lot also has a hardship because it has three frontages. A variance is not needed because of the size of the house, it conforms to building coverage.

The Board asked if any of the other homes received variances in the neighborhood. Tim Anfusio, Planner – sworn. Mr. Anfusio told the Board that out of 17 properties in the development two were given variances for lot coverage. The average lot size is 3 – 4 acres.

Open to the public. Laura Sodano, 10 Squan Song Road – sworn. What is the size of the house? 15,050 s.f. Ms. Sodano said there are a few large homes like that but they are on larger lots, not as obtrusive. Ms. Keusch, 12 Squan Song – sworn. Ms. Keusch stated most of the properties have some type of easements on their properties which keeps open green areas. Mr. Savo, applicant – sworn. Mr. Savo stated the house will always be this size, it may be angled differently, but it will be the same size.

The Board all agreed the architecture of the house is beautiful, however they felt they were asking for a lot of variances and did not meet the spirit of the Master Plan or the 90’ rule. The applicant requested this application be carried to the May meeting and granted an extension of time to June 30, 2010. Mr. Steib, Esq. announced this application is carried to the May 20, 2010 meeting with no further notice.

### **APPLICATIONS: New Business**

#### **ZB840 – Wigenton – Block 44.01, Lot 9.13 – 124 Stone Hill Road**

Application to install an inground swimming pool with spa, concrete patio deck and a 6’ pool fence in the A-1 Zone. Variances are required to permit a front yard setback of 93’ where 100’ is required, a side setback of 24’ where 40’ is required, a fence height of 6’ where 4’ is the maximum permitted and a building separation between the pool and rear deck of 16’ where 20’ is required.

Susan Wigenton, applicant and Dominick Deseser, Blue Haven Pools – both sworn. Eight items were marked as exhibits – zoning review, variance application, pool permit plan, two letters from the Board of Health comments, two letters from the Fire Marshall and a series of six photos.

Ms. Wigenton told the Board they purchased this home in 2001 and have not done any landscaping. They now wish to remove an existing deck and install an inground pool and new patio deck. The applicant has a hardship because the lot is wide and not very deep as well as having two front yards. The property backs up to Route 18 and does not have any homes on either side. Since the property has two front yards the fence on the side is considered a front yard, a side yard fence could be 6’ in height. The backyard will be landscaped and aesthetically pleasing. Also, if the Board chose to approve the variances a portion of the pool and fence are in a conservation easement. The applicant will have to get permission from the Township Committee to permit this. Open to the public with no comments.

The Board felt this was a very unique situation with the property backing up to Route 18 and a uniquely shaped lot with two frontages. The Board did not feel the need for a six foot fence and the applicant amended the application to remove the request for that variance.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Burry

AFFIRMATIVE: Karch, Burry, Bennett, Wagar, Yodakis and Lewis

NEGATIVE: None

**ZB841 – Paddock – Block 7.21, Lot 18 – 57 Laurelwood Drive**

Application to infill existing porch and construct a second story addition as well as a new front porch. A variance is needed to permit a front yard setback of 67.72’ where 84.74’ is required and 75.72’ currently exists.

Deborah Paddock, applicant – sworn. Six items were marked as exhibits – zoning review, application, site plan, Board of Health comments, Fire Prevention letter and Architectural Review comments.

Ms. Paddock told the Board they needed to replace the roof and decided to add a master bedroom on the second floor along with some other interior renovations; none of this work requires a variance. While designing the revisions with their architect they also wanted to add a front porch for some curb appeal. It would be only deep enough for a bench or some type of seating but requires a front yard setback variance.

Open to the public with no comments. The Board stipulated the porch could not be enclosed in the future.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Burry

AFFIRMATIVE: Karch, Burry, Bennett, Wagar, Yodakis and Lewis

NEGATIVE: None

**ZB843 – Wiedeman – Block 6, Lot 21 – 15 Hillmont Terrace**

Application to retain an inground swimming pool. A variance is required to permit a side yard setback of 18.9’ where 40’ is required and 20.8’ existed.

Four items were marked as exhibits – zoning review, application, plot plan and original construction permit and plot plan.

Andrew Stockton, Engineer/Planner – sworn. Mr. Stockton told the Board the Wiedeman’s purchased this property and demolished the house and constructed a new one. During construction they also decided to revise the existing pool that was installed in 1981 by squaring off the rounded edges. The pool company did not get a permit to do this work. Once a stop work order was placed on the pool and they applied for a building permit and it was discovered the pool is too close to the property line.

Mr. Stockton had a copy of the original permit for the pool. It looks as though the ordinance was misinterpreted for the original pool approval. There is a provision that allows the setback to be

reduced to 15' if certain criteria are met, however the Zoning Officer does not feel that it applies to this lot. This is a unique circumstance created by a hardship that the pool exists and has for 29 years.

Open to the public with no comments. The Board felt the biggest error occurred 29 years ago when the pool was approved in that location. However if permits were applied to prior to work starting this would have been discovered before the shape was being altered. The Board did agree this is a unique situation and stipulated the applicant must get building permits to continue work.

Motion to Approve the Application:

OFFER: Karch

SECOND: Wagar

AFFIRMATIVE: Karch, Burry, Bennett, Wagar, Yodakis and Lewis

NEGATIVE: None

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Karch at 9:30 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 15, 2010 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on May 20, 2010.

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