

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 20, 2004 AT 8:00 P.M.**

Chairman 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 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: Bennett, McGarry, Barnett, Behrens, Yodakis, Sobieski, Wagar and Goubeaud

Absent: Burry

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

Approval of Minutes

Motion to Approve the Minutes of April 15, 2004:

OFFER: McGarry

SECOND: Yodakis

AFFIRMATIVE: Bennett, McGarry, Yodakis, Wagar and Goubeaud

NEGATIVE: None

RESOLUTIONS:

Application ZB640 – Verga – Block 6.01, Lot 6 – 8 Birch Lane

Memorialization of Resolution granting approval to construct an addition to the existing dwelling and a pool cabana. Variances are required to permit a building separation between the cabana and pool of 5' where 10' is required, building separation between the house and pool of be 8' where 20' is required and building coverage of 6.4% where 6% is the maximum.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry and Wagar

NEGATIVE: None

Application ZB641 – O'Leary – Block 45, Lot 13 – 17 Brookview Drive

Memorialization of Resolution granting approval to construct an addition for a third garage bay in the A-1 zone. Variances are required to permit a front yard setback of 89' where 94' is required and 89' currently exist, a side yard setback of 47' where 69' is required and 47' currently exists and a rear yard setback of 62' where 69' is required and 60' currently exists.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Yodakis, Wagar and Goubeaud

NEGATIVE: None

Application ZB642 – McKenzie – Block 29.13, Lot 1 – 8 Village Lane

Memorialization of Resolution granting approval to construct an addition to an existing dwelling in the A-3 zone. Variances are required to permit a front yard setback of 68' where 75' is required and a side yard setback of 18' where 30' is required and 29.06' currently exist.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Yodakis, Wagar and Goubeaud

NEGATIVE: None

Application ZB643 – Burke – Block 29.10, Lot 1 – 40 Yellow Brook Drive

Memorialization of Resolution granting approval to construct an addition to an existing dwelling in the A-3 zone. A variance is required to permit a front yard setback to Village Lane of 61.25' where 75' is required and 75.33' currently exists.

Motion to Approve the Resolution:

OFFER: Yodakis

SECOND: Wagar

AFFIRMATIVE: Bennett, McGarry, Yodakis, Wagar and Goubeaud

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business:

Application ZB636 – Papetti – Block 12, Lot 2.02 – 1 Bellaire Court

Application to construct an inground swimming pool. Variances are required to permit a side setback for the swimming pool of 40' where 50' is required and a building separation of 7.5' where 20' is required.

Mr. Steib, Esq. announced that the applicant recently received a review letter from the Fire Marshall that they need time to address. This application is carried to the June 17, 2004 meeting with no further notice.

Application ZB630 – Naddeo – Block 34, Lot 16.09 – 26 Orchard Lane

Application to construct a front porch and two additions. Variances are required to permit a front setback of 97.17' where 219' is required for a porch and 112' for the garage addition where 219' is required. Proposed side setbacks of 46.46' and 50.46' where 59' is required, a proposed building coverage of 6.5% where 5% is the maximum permitted and a total lot coverage of 17.3% where 10% is the maximum permitted.

Mr. Steib, Esq. announced that the applicant is still in the process of revising their plans to address the comments of the Board. This application is carried to the June 17, 2004 meeting with no further notice.

Application ZB639 – Montefusco – Block 34, Lots 16.20 & 16.21 – 43 Orchard Lane

Application for Preliminary & Final Major Subdivision with Variances and Use Variance for a two lot subdivision in the AG Zone.

Mr. Steib, Esq. announced that the applicant is waiting on an ordinance that the Township Committee is in the process of adopting. This ordinance will effect this application. This application is carried to the June 17, 2004 meeting with no further notice.

APPLICATIONS: New Business

Application ZB645 – Findell – Block 16, Lot 61.01 – 104 Cedar Drive

Application to modify the existing entrance walls that were constructed without proper municipal approvals. A variance is required to permit an entrance wall length of 4.75' where 2.5' is the maximum length permitted.

Mr. Steib, Esq. announced that the applicant just realized that their professional planner has a conflict. They will have to hire a new planner. The chairman agreed to carry this application to the next meeting, however no further extensions will be granted. This application is carried to the June 17, 2004 meeting with no further notice.

Application ZB646 – Lagana – Block 22.8, Lot 3 – 252 County Road West

Application to construct a driveway in the rear yard to be serviced from Willow Lake Drive. A variance is needed to permit lot coverage of 36% where 20% is the maximum permitted and 34% currently exists.

Michael Lagana, applicant – sworn. Six items were marked as exhibits – zoning review, application, survey, Architectural Review Report and two photos. Mr. Lagana stated that he purchased this home one year ago and has been very concerned for the safety of his family and friends when entering his driveway. His driveway is across from the Colts Neck High School where two lanes merge together and if you are heading west to east you must cross double yellow lines. His property is considered as having two fronts, Route 537 and Willow Lake Drive. He would like to extend his driveway to Willow Lake Drive, this extension would be 95' in length and 12' wide. Open to the public with no comments.

The Board empathized with his situation but was concerned that his coverage was already over the allowable amount. Mr. Lagana was agreeable to removing the percentage of existing driveway that he would be adding. Since the existing driveway is horseshoe in shape he agreed to take out the easterly portion of the driveway allowing access to the front door and way to turn around but his coverage would not exceed his existing 34%.

Motion to Approve the Application:

OFFER: Behrens

SECOND: Barnett

AFFIRMATIVE: Bennett, Barnett, Behrens, Sobieski and Wagar

NEGATIVE: McGarry and Yodakis

Application ZB644 – Due Process Realty Group – Block 51, Lot 2.02 – Route 537

Application for a Use Variance and Site Plan Waiver in the AG Zone. The applicant is requesting approval to permit an existing two story barn to be used for art/antique gallery to display and sell art, antiques and collectible to club members and invited customers/guest. The applicant is also requesting permission to permit six open houses per year.

John Giunco, Esq. represented the applicant. Twelve items were marked as exhibits – the application, plan of survey, floor plan of barn, photo of “The Square”, Township Planner’s Report, Fire Prevention Bureau Report, Township Engineer’s Report, Architectural Review Report, Due Process Book, Minor Site Plan mounted, plan of survey mounted and floor plan mounted. Mr. Giunco first wanted to clarify that they were seeking approval to allow up to six special events per year that would be a cocktail party type, by invitation only.

A.J. Garito, Engineer – sworn. Mr. Garito explained that Lot 2.02 is 7.2 acres that consists of four barns and one dwelling. The owners of Due Process collect antiques/art and collectables that they wish to put on display and be able to sell. These goods would be sold to members (80 members) or those that are there by invitation only. This will have a very low intensity with access only from the clubhouse. The barn is a two story structure that is approximately 16,000 s.f. Open to the public with no comments.

The Board had several concerns. This property is in the AG Zone, which means agricultural. Antique/art sales constitute a commercial venture, a use that has nothing to do with the golf course. There are several other golf courses in town and the Board was concerned that if this were approved, what would stop any of them from applying for the same type of venture.

Mr. Giunco asked the Board to carry this application to the next meeting to give him a chance to address the issues that the Board raised. Mr. Giunco also requested the Board members to all make a site visit. This application was carried to the June 17, 2004 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 9:55 p.m. to adjourn the meeting, seconded by Ms. McGarry and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on May 20, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 17, 2004.

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