

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
MAY 18, 2006 AT 8:00 P.M.**

Mr. Burry 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: Burry, Sobieski, Barnett, Bennett, Karch, Wagar, Yodakis, Goubeaud, and Saavedra

ABSENT: None

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

**Approval of Minutes**

Motion to Approve the Minutes of April 20, 2006:

OFFER: Barnett

SECOND: Karch

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

NEGATIVE: None

**RESOLUTIONS:**

**Application ZB710 – McMahan – Block 44.01, Lot 5.09 – 35 Primrose Lane**

Memorialization of resolution granting approval to construct an addition to a single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 6.36% where 6% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Sobieski

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

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business**

**Application ZB714 – Merlo – Block 22.06, Lot 8 – 119 Montrose Road**

Application for an addition and adding a second story to a single family dwelling. Variances are required to permit a side yard setback of 43' where 56' is required, building separation of 8' where 20' is required.

Mike Merlo, applicant – sworn. Three new items were marked as exhibits – updated zoning review, report from the Fire Marshall and elevation/floor plans. Mr. Merlo stated that after the last meeting he met with the Township Planner and his architect. They have revised the drawings by eliminating the wrap around porch and changing the style of the home, thus eliminating the building coverage variance. A letter was also received from the Fire Marshall stating the addition would not impede their ability to fight a fire.

Open to the public with no comments. The Board appreciated the fact that two variances were eliminated and commended the applicant. They felt this was a good plan and the applicant did an excellent job in satisfying the concerns they had raised.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

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

NEGATIVE: None

**APPLICATIONS: New Business:**

**Application 716 – Scannelli – Block 29, Lot 9.03 – 14 Freemont Lane**

Application for an addition and complete renovation to an existing single family dwelling in the AG Zone. Variances are required to permit a front yard setback of 108’ where 256’ is required and 132’ currently exist and a building height of 40’ where 35’ is the maximum permitted.

A letter was received from the applicant stating he was out of the State and unable to attend the meeting this evening. This application is carried to the June 15, 2006 meeting with no further notice.

**Application ZB715 – Bird – Block 34, Lot 34 – 45 North Point Drive**

Application to reconfigure existing deck and construct a 16’ x 24’ sun room on top of the existing deck. Variances are required to permit a side yard setback of 38’ where 50’ is required and 40’ currently exist, a rear yard setback of 25’ where 60’ is required and 30’ currently exist and a building separation of 12’ where 20’ is required and 12’ currently exist.

Four items were marked as exhibits – zoning review, application, plot plan and elevation and a report from the Architectural Review Committee. Ron Bird, applicant and Matthew Cronin, Architect both sworn. Mr. Cronin explained that Mr. Bird wants to put a screened porch on top of an existing deck. The property is very irregular in shape and makes it very difficult to follow the setbacks.

Open to the public with no comment. The Board agreed that the applicant had a hardship due to the shape of the lot combined with the location of the existing dwelling. The room does not infringe on neighbors and they are following the same footprint that already exists without exceeding the permissible coverage.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Sobieski

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

NEGATIVE: None

**Application ZB717 – Innucci – Block 35, Lot 7.04 – 5 Wide Horizons Drive**

Application to construct a garage and pool cabana additions to a single family dwelling. Variances are required to permit a front setback of 90’ where 111.05’ is required and 90’ exist, a side yard setback of 41.5’ where 81’ is required and 76.05’ exist, a rear setback of 79’ from the garage, 43’ from the deck and 58’ from the cabana where 86.05’ is required, building coverage of 8.42% where 6% is the maximum permitted and 6.38% exists and a total lot coverage of 30.2% where 20% is the maximum permitted and 25% exists.

Nunzio Innucci, applicant and Rich DiFolco, Engineer both sworn. Seven items were marked as exhibits – zoning review, application, photo, architectural elevations, site plan, photoboard with seven photos and a plot plan of Lot 7.03.

Mr. Innucci explained that he collects cars and would like to add a separate garage for their storage connected to the main house by a 2<sup>nd</sup> story walkway. The second story of the garage will be large closet; this is the main reason for the construction. Setback variances are required due to the 90’ rule and the existing house currently exceeds the permissible building and lot coverages. There are greenways that run behind the property.

Open to the public. David French, 1 Wide Horizon – sworn. Mr. French stated that his home abutted the proposed addition. There is a heavy line of trees dividing the properties and he endorsed the project. Mike Fitzgerald, 5 Wide Horizons – sworn. Mr. Fitzgerald lived across the street. He stated that the Innucci’s home was beautiful and well maintained and was sure the addition would be also. Mr. Art Cahill, 9 Wide Horizons – sworn. Mr. Cahill agreed with his neighbors and supported the project.

The Board was very concerned with the amount of variances that were being sought. In particular the building and total lot coverage, they felt it was a gross overage. Mr. Innucci requested this application be carried so that he could address this with his architect. This application is carried to the June 15, 2006 meeting with no further notice.

**Application ZB718 – Palazzola – Block 8, Lot 6.08 – 19 Fulling Mill**

Application to construct an inground swimming pool. Variances are required to permit a rear yard setback of 23’ where 40’ is required and a total lot coverage of 21% where 20% is the maximum permitted.

Three items were marked as exhibits – zoning review, application and survey. Annamaria Palazzola, applicant – sworn. Ms. Palazzola explained that this was a recent subdivision that had been approved. One of the conditions of approval was the house on this lot had to be pushed back in order to save a number of trees. By doing this it created a hardship for the applicant, leaving a very small back yard. This also contributed to a coverage problem by requiring a very long driveway. The applicant is only proposing a 3’ concrete area around the pool, nothing excessive.

The Board appreciated that the applicant did save the trees and thought the applicant did have a hardship because of this.

Motion to Approve the Application:

OFFER: Wagar  
SECOND: Barnett

AFFIRMATIVE: Burry, Sobieski, Barnett, Bennett, Karch, Wagar and Yodakis  
NEGATIVE: None

**Application ZB719 – Doherty – Block 35, Lot 1.07 – 7 Brandywine Lane**

Application for a second floor addition and a 1 ½ story garage addition. A variance is required to permit a building coverage of 6.69% where 6% is the maximum permitted.

Richard Doherty, applicant and Mike Jaeger, architect – both sworn. Five items were marked as exhibits – zoning review, application, site plan, photoboard with six photos and tax map. Mr. Doherty explained he would like to convert his existing two car garage into a game room and add a new three car garage. The would like the third bay for storage of bicycles, lawn equipment, etc. The second story addition would be a new master suite. The 90’ rule does come into play; however they are able to meet all setbacks.

Open to the public with no comments. The Board felt this was a unique situation, if the garage was cut down to a two car garage, they would meet the building coverage but the appearance from the street would be the same. The Board was torn feeling that 6.69% was a high overage. The applicant requested to come back next month and see if they could make the garage smaller. This application is carried to the June 15, 2006 meeting with no further notice.

**Application ZB 720 – Macnow – Block 16, Lot 33.12 – 14 Homestead Drive**

Application to construct an above ground patio with 1,100 s.f. basement. A variance is required to permit a total building coverage of 6.38% where 6% is the maximum permitted.

Russell Macnow, applicant and A.J. Garito, Engineer – both sworn. Seven items were marked as exhibits – zoning review, application, variance plan, tax map, color rendering of variance plan, photoboard with six photos and architectural rendering of patio.

Mr. Garito explained that this home has greenways across the street and behind this home. The property slopes dramatically and the Macnow’s have a walkout basement. They would like to construct a raised patio but because of the slope of the property would like to create a basement underneath for storage. By creating a basement, the patio is considered as building coverage. If the applicant brought it dirt to go under the patio it would not count as building coverage.

Open to the public with no comment. The Board felt the applicant had a hardship due to the slope of the ground and that there was a benefit by not bringing in 20 – 30 loads of dirt. This is a unique situation and a creative solution. The Board conditioned their approval that the patio can not be enclosed.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Wagar

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

NEGATIVE: None

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Ms. Barnett at 9:45 p.m. to adjourn the meeting, seconded by Mr. Yodakis 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 18, 2006 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 15, 2006.

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