

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
MAY 17, 2007 AT 8:00 P.M.**

Mr. Yodakis called the meeting to order by reading the following statement: "As Vice-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, Bennett, Karch, Wagar (8:05 p.m.), Goubeaud and Saavedra

ABSENT: Sobieski, Barnett and Burry

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

**Approval of Minutes**

Motion to Approve the Minutes of April 19, 2007:

OFFER: Karch

SECOND: Goubeaud

AFFIRMATIVE: Yodakis, Bennett, Karch and Goubeaud

NEGATIVE: None

**RESOLUTIONS:**

**Application ZB742 – Bender – Block 8, Lot 6.06 – 7 Fulling Mill Lane**

Memorialization of resolution granting approval to retain existing raised patio and at grade patio. A variances is required to permit a total lot coverage of 21.99% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Bennett

AFFIRMATIVE: Yodakis and Bennett

NEGATIVE: None

**Application ZB744 – Reisinger – Block 7.12, Lot 7 – 12 Ridge Road**

Memorialization of resolution granting approval to construct an addition and renovation to an existing dwelling in the A-2 Zone. A variance is required to permit a building coverage of 6.88% where 6.6% is the maximum is permitted.

Motion to Memorialize the Resolution:

OFFER: Goubeaud

SECOND: Bennett

AFFIRMATIVE: Yodakis, Bennett and Goubeaud

NEGATIVE: None

**Application ZB739 – Romano – Block 35, Lot 22.22 – 14 Rivers Edge Drive**

Memorialization of resolution granting approval to permit a shed/accessory structure of 288 s.f. and remove 305 s.f. of existing patio. A variance is required to permit a side yard setback of 20.33' where 40' is required and a total lot coverage of 47.16% where 20% is the maximum permitted and 48.8 % currently exists.

Motion to Memorialize the Resolution:

OFFER: Karch  
SECOND: Goubeaud  
AFFIRMATIVE: Yodakis, Karch and Goubeaud  
NEGATIVE: None

**Application ZB749 – Constantinou – Block 34, Lot 16.23 – 31 Orchard Lane**

Memorialization of resolution granting approval to construct a rear addition and reconstruct a pool patio in the A-1 Zone. A variance is required to permit a building separation of 17.5' where 20' is required.

Motion to Memorialize the Resolution:

OFFER: Karch  
SECOND: Wagar  
AFFIRMATIVE: Yodakis, Bennett, Karch and Wagar  
NEGATIVE: None

**Application ZB750 – McGuiness – Block 1, Lot 62 – 8 Christopher Drive**

Memorialization of resolution granting approval to construct an addition and renovation to an existing dwelling in the A-1 Zone. A variance is required to permit a total lot coverage of 22.5% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Karch  
SECOND: Wagar  
AFFIRMATIVE: Yodakis, Bennett, Karch and Wagar  
NEGATIVE: None

**Application ZB728 – Sheehy – Block 8, Lot 9 – 60 Conover Road**

Memorialization of resolution dismissing the request for deviation from conditions of approval.

Motion to Memorialize the Resolution:

OFFER: Karch  
SECOND: Yodakis  
AFFIRMATIVE: Karch and Yodakis  
NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**Application ZB696 – Kilmnick – Block 40.02, Lot 2 – 10 Privet Lane**

Application for a one year extension of time to the approved variance. The extension will begin September 16, 2006 and expire September 15, 2007.

Motion to Memorialize the Resolution:

OFFER: Saavedra

SECOND: Goubeaud

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

NEGATIVE: None

**Application ZB728 – Sheehy – Block 8, Lot 9 – 60 Conover Road**

Request to retain the second floor joists and stairway which was to be removed on the floor plans prepared by Jaeger Design dated October 4, 2006 and approved by the Board on November 16, 2006.

Mr. Steib, Esq. stated he received a phone call from the applicant's attorney at 4:30 this evening stating that their Structural Engineer was not available this evening and asked to be heard at the next meeting.

**APPLICATIONS: Old Business**

**Application ZB752 – Banco – Block 35.04, Lot 3 – 57 Woodhollow Road**

Application to install an inground pool. Variances are required to permit a rear yard setback of 18.2' where 25' is required.

Two new items were marked as exhibits – pool revision and an updated zoning review. Ann Banco, applicant – sworn. Ms. Banco explained she has reduced the size of the pool and rotated it. This enabled her to eliminate two variances and reduce the one that is still required. It can not be rotated any more due to the location of the septic field.

Open to the public with no comments. The Board felt the applicant made a large concession by reducing the size of the pool. Even though a variance is still needed for the rear setback, the Board was more comfortable in knowing that a greenway abuts her rear property line.

Motion to Approve the Application:

OFFER: Karch

SECOND: Goubeaud

AFFIRMATIVE: Yodakis, Bennett, Karch, Wagar and Goubeaud

NEGATIVE: None

**Application ZB730A - LoBraico – Block 45.02, Lot 2 – 25 Salem Drive**

Application for a second story and rear additions to a single family dwelling in the A-1 Zone.

Application for an interpretation if the proposed renovations to the existing porch constitute a roof, or in the alternative a variance to permit a building coverage of 7.16% where 6.6% is the maximum permitted.

Six items were marked as exhibits – zoning review, application, site plan, Architectural Review report, photo and elevation drawings. Sal Alfieri, Esq. represented the applicant. Rocco LoBraico, applicant – sworn.

Mr. LoBraico briefly reviewed his scenario – he received permits to renovate his home and add a wrap around porch. However during construction he ran into a problem with the different roof pitches not lining up. He came into Town Hall but apparently misunderstood that all of the covered portion of the porch now count toward building coverage. A plan was submitted modifying the overhang by

eliminating rafters, making it more like an arbor. The Development Regulations does not define a roof so it was not clear whether this would still count. Mr. Alfieri asked the Board for an interpretation of roof. After listening to the Boards discussion Mr. Alfieri withdrew his request.

Open to the public with no comments. The Board felt there was something the applicant could do to reduce the overhang. The applicant asked to carry the application so they could speak with another architect. This application is carried to the June 21, 2007 meeting with no further notice.

### **APPLICATIONS: New Business:**

#### **Application ZB753 – Pollitto – Block 11, Lot 24 – 11 Fairway East**

Application to construct a one story addition and wood decks to the rear of a single family dwelling. Variances are required to permit side yard setback of 62.67' and 50' where 69' is required and a rear setback of 50' where 69' is required.

Vincent Pollitto, applicant and Donald Passman, Architect – both sworn. Five items were marked as exhibits – zoning review, application, site plan, Board of Health comment and Architectural Review comments.

Mr. Pollitto explained they would like add approximately 1000 s.f. to their existing three bedroom ranch. They have tried to place it where it will have minimal impact; however the 90' rule comes into play. The Architectural Review Committee had suggestions and they have revised the plans to incorporate a new front entry porch.

Open to the public. Herbert Bertine, 7 Fairway East – sworn. Mr. Bertine has lived next door for 38 ½ years and is very concerned the addition will be adding bedrooms and bathrooms. He stated there are septic problems in the area and did not feel the lot could handle the additional flow. Mr. Anfuso explained the Health Officer's calculations are based on the amount of bedrooms. Plans were given to the Health Officer and he approved it.

The Board was concerned with the variances being sought; it was too much for the lot. The applicant requested time to look for other alternatives. This application is carried to the July 19, 2007 meeting with no further notice.

#### **Application ZB755 – Polito – Block 1, Lot 50 – 33 Glenwood Road**

Application to install an inground pool. Variances are required to permit a front yard setback of 81' where 100' is required, a side yard setback of 34' where 40' is required and a building separation of 13' where 20' is required.

John Polito, applicant – sworn. Four items were marked as exhibits – zoning review, application, survey and Architectural Review comments. Mr. Polito explained he has an oddly shaped corner lot with a significant drop in the rear. He currently has a small koi pond that he would like to replace with a pool. Open to the public with no comments.

The Board thought the applicant had a true hardship with his lot. However they stipulated that landscaping, approved by Shade Tree Commission, must be planted to buffer the pool from both the street and neighbor as well as getting written approval from the Fire Marshall regarding the separation issue.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Saavedra

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

NEGATIVE: None

**Application ZB756 – Pagliano – Block 38, Lot 13 - 240C Swimming River Road**

Application to retain an addition and new second floor to a 34' x 24' detached garage. Variances are required to permit a front yard setback of 14.9' where 100' is required, a total floor area of 1,632 s.f. where 1,200 s.f. is the maximum permitted and to allow the issuance of a building permit to a lot that does not front on a municipal street.

Vincent Pagliano, applicant – sworn. Eleven items were marked as exhibits – application, survey, series of photos, Board of Health review, Zoning review, elevations, Architectural Review comments, color diagram of neighborhood, copy of tax map and two sheets with four photos each.

Mr. Pagliano stated many years ago the property was an apple orchard that had many small buildings which still remain. The garage is one of them and is approximately 35 – 40 years old and has no kitchen, toilet or water – it is strictly used for storage.

Open to the public. Robert Adler, 230B Swimming River Road – sworn. Mr. Adler lives next door to the Pagliano's and states they have no objections to the renovations, they are an improvement to what was there. Mr. Adler even asked the Pagliano's to put a window on the second floor so it would not be one large wall and they did. Dr. Elaine Shullman, 210 Swimming River Road – sworn. Dr. Shullman stated the building is much larger than it was and has a definite presence, she felt it was too large.

The Board agreed it was too large. They felt the applicant should seek guidance from an architect to see what could be done to bring the size of the structure more into compliance. This application is carried to the July 19, 2007 meeting with no further notice.

**Application ZB757 – Tomaro – Block 22.7, Lot 30 – 28 Carriage Hill Drive**

Application to add a second story over an existing one story structure in the A-1 Zone. Variances are required to permit a front yard setback of 82.8' where 85' is required and a side yard setback of 43.2' where 50' is required.

Mary Beth and Bob Tomaro, applicants – both sworn. Six items were marked as exhibits – zoning review, application, Architectural Review comments, Board of Health comments and architectural plans.

Ms. Tomaro explained when they purchased this home it was discovered the home was not built at the correct location and property had to be purchased from the adjoining neighbor. The variance requested for the side yard setback is a pre-existing condition. The current home is a three bedroom ranch, they would like to finish the existing attic space into living space. They will be staying within the existing footprint of the home. Open to the public with no comments.

The Board appreciated the hardship the applicant had with the home being built in the wrong location and felt it was a modest addition to achieve their need for more space.

Motion to Approve the Application:

OFFER: Saavedra

SECOND: Goubeaud

AFFIRMATIVE: Yodakis, Bennett, Karch, Goubeaud and Saavedra

NEGATIVE: None

**Application ZB754 – Pacheco – Block 38, Lot 15.02 – 327 Lakeside Avenue**

Application to construct a new single family dwelling in the A-1 Zone. Variances are required to permit a lot frontage of 35.10' where 300' is required, a front setback of 69.53' where 75' is required, cabana front setback of 60.37' where 100' is required, pool cabana floor area of 902 s.f. where 900s.f. maximum permitted, cupola width of 6.5' where 5' maximum permitted and the issuance of a building permit on a street not improved to Township standards.

Tom Pacheco, applicant and A.J. Garito, Engineer – both sworn. Ten items were marked as exhibits – zoning review, application, floor plan, elevation of cabana, elevation of garage, conceptual layout, Board of Health review, Engineer's review, Planner's review and a photoboard with eight photos.

Mr. Garito explained they plan on removing all existing structures and construct a new home, pool and cabana. The Board felt if all structures were coming down they should be able to conform to zoning requirements for size and setbacks. The applicant withdrew the variances for the cabana size and setback. The Board wanted to see revised plans depicting all changes. This application is carried to the June 21, 2007 meeting with no further notice.

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

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

**MOTION TO ADJOURN**

A motion was made by Ms. Saavedra at 10:50 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 May 17, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 21, 2007.

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

