

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JUNE 17, 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, Burry, Yodakis, Sobieski and Wagar

Absent: Goubeaud

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

**Approval of Minutes**

Motion to Approve the Minutes of May 20, 2004:

OFFER: Behrens

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Yodakis, Sobieski and Wagar

NEGATIVE: None

**RESOLUTIONS:**

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

Memorialization of Resolution granting approval to construct a driveway in the rear yard to be serviced from Willow Lake Drive. A variance is required to permit lot coverage of 34% where 20% is the maximum permitted.

Motion to Approve the Resolution:

OFFER: Yodakis

SECOND: Wagar

AFFIRMATIVE: Bennett, Barnett, Behrens, Sobieski and Wagar

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**Application ZB600 – Sunoco – Block 48, Lot 38 – Route 34 South**

Request for a one year extension of time to the approved variances. The extension will begin August 21, 2004 and expire August 28, 2005.

Approval was given for this site plan on August 21, 2003 which is good until August 23, 2005, but the approval that was given for the variances are only good until August 21, 2004. The applicant is asking

for an extension to the variances so that the approval runs contiguous with the site plan approval. There have not been any changes to the zoning that would effect this application.

Motion to Approve the Extension of Time:

OFFER: Behrens

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Yodakis and Wagar

NEGATIVE: Burry and Sobieski

**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.

A letter was received from Mr. Papetti's attorney, Sal Alfieri, Esq., requesting that this application be withdrawn without prejudice.

Motion to Dismiss the Application Without Prejudice:

OFFER: Behrens

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis, Sobieski and Wagar

NEGATIVE: None

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

Application to construct a front porch and two additions. Proposed side setbacks of 49.35' and 50.46' where 55' is required and proposed building coverage of 6.1% where 6% is the maximum permitted.

A letter was received from the applicant's engineer, Two River Engineering, stating that the applicant has revised their plans, however Mr. Naddeo is out of town on business. The applicant gave an extension of time and asked for this application to be carried to the July meeting. The Board granted this but stipulated that it must be heard at the July meeting. This application is carried to the July 15, 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.

A letter was received from the applicant's attorney, Rick Brodsky, Esq., requesting that this application be withdrawn without prejudice.

Motion to Dismiss the Application Without Prejudice:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis, Sobieski and Wagar

NEGATIVE: None

**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.

A letter was received from the applicant’s attorney, John Giunco, Esq., requesting that this application be carried to the July meeting. This application is carried to the July 15, 2004 meeting with no further notice.

**APPLICATIONS: New Business**

**Application ZB647 – Meridian Assisted Living – Block 46, Lot 17.4 – Route 34**

Application replace and relocate an existing free standing sign. The sign requires a variance to permit a 25 s.f. sign where 15 s.f. is the maximum permitted.

Peter Capiello, Jr., Esq. represented the applicant. Mike Handsman, Administrator of facility - sworn. Five items were marked as exhibits – the application, sign detail, site plan layout, zoning review and Architectural Review report.

Mr. Handsman stated that the facility gives care, room and board primarily to Alzheimer’s patients and those who suffer from dementia. The sign that is currently along Route 34 is a bland color that is not noticeable and 150’ north of the entrance. The majority of visitors are elderly and numerous complaints are received that it is very hard to find the entrance, they pass the facility and have to find a place to turn around on Route 34. The sign that they are requesting is smaller than signs that are on adjoining lots. The proposal would be close to the entrance of the facility and close to Route 34. The sign will be colonial blue with white lettering, no lights or landscaping is being proposed.

Open to the public with no comments. The Board felt that the sign would be an asset to the Highway streetscape. The only concern was that the sign should not be in the site triangle.

Motion to Approve the Application:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Sobieski

NEGATIVE: None

**Application ZB648 – Guadagnino – Block 28, Lot 8 – 13 Manor Road**

Application to demolish an existing structure and build a new single family dwelling. A variance is required to permit a building coverage of 11.4% where 6.6% is the maximum permitted.

Patricia and John Guadagnino, applicants and Tim O’Connor, Planner/Surveyor all sworn. This property is a 100’ x 200’ lot that is a pre existing nonconforming parcel with an existing home. The applicants recently purchased the property with intention of renovating the existing home. During renovations, excessive termite damage was discovered making it necessary to demolish the home. By doing so the septic must be upgraded requiring two septic fields, which will take up the entire backyard making it impossible for a detached garage. The size of the home they are proposing is 2,900 s.f.

Open to the public. Bob Goss, 12 Manor Road – sworn. His request was for the Board to approve this variance. Dave Spader, 21 Manor Road – sworn. He stated that the entire street is in favor of this application and thinks that it will balance the street aesthetically. The existing home is in such disrepair, they welcome the upgrade to their small dead end street. Eleanor Zilinski, 17 Manor Road – sworn. Mrs. Zilinski stated that her family has lived in Colts Neck for 39 years and the applicant, Patricia is her daughter. She asked that the application be granted, it fits within the setbacks and it will be an asset to the neighborhood.

The Board recognized that this application is a unique situation and has a true hardship both because it is a undersized lot and the hardship of having to install two septic systems. The Board felt it would be reasonable to permit a 6.6% footprint based on a conforming lot in the A3 zone. The Board agreed that the maximum footprint permissible would be 1,980 s.f. and they directed the attorney to prepare a resolution for the next meeting. The Board wants to review see the actual plans prior to acting on the application at the next meeting.

This application is carried to the July 15, 2004 meeting with no further notice.

**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. Time to August 11, 2004

Steve Geller, Esq. represented the applicant. Four items were marked as exhibits – zoning review, application, driveway pier modification plan and five photos mounted on a board. John Fussa, Planner – sworn.

Mr. Fussa explained that the applicant has revised and reduced the length of the existing piers from 15’ to 4.7’. This still requires a variance because the new ordinance restricts the width of a pier to be 5% of the width of the property. Since this property is a flag lot, the lot frontage is only 50’ meaning that the pier could only be 2.5’.

Open to the public. Mr. Glen Axelrod, 106 Cedar Drive – sworn. Mr. Axelrod stated that he neighbors the property and supported the application but asked the Board to put four restrictions on the resolution if they approved it. He felt an as-built survey, shields on the lights to prevent off-site illumination, a disclaimer that this does not legitimize all of the other items that were built without proper approvals and that all trash is properly disposed of during construction. Mr. Axelrod had a packet for the Board substantiating the need for his requests. Mr. Geller did not feel the packet was relevant to this application. Mr. Steib reviewed the packet and opined that the Board could review the packet and consider it in the context that it was proposed. Carl Simone, 4 Brookside Drive – sworn. Mr. Simone did not understand the reason why the applicant could not follow the ordinance. Marilyn Simone, 4 Brookside Drive – sworn was worried about the stagnant water. Mr. Stieb advised that the Board only has information on the current application of the entrance piers. Jane Langstoff, 5 Brookside Drive – sworn. It was her opinion that the piers are too large and should be denied.

The Board asked to see a rendering of what the proposed piers would look like, however the applicant did not have one. The Board felt they did not receive any convincing testimony as to why the piers must be 4.75’” instead of 2.5’. They felt there was too much bulk for a small area.

Motion to Approve the Application:

OFFER: Behrens

SECOND: McGarry

AFFIRMATIVE: Behrens

NEGATIVE: Bennett, McGarry, Barnett, Burry, Yodakis and Sobieski

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Behrens at 10:30 p.m. to adjourn the meeting, seconded by Ms. Barnett and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on June 17, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on July 15, 2004.

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