

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 16, 2005 AT 8:00 P.M.**

Ms. McGarry 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: McGarry, Burry, Barnett, Bennett, Sobieski, 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 May 19, 2005:

OFFER: Burry

SECOND: Wagar

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution granting a one year extension of time to the Preliminary and Final Major Site Plan, Use Variance and Variances. The extension of time will begin August 21, 2005 and expire August 21, 2006.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Wagar

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

NEGATIVE: None

Application ZB678 – Giaimo – Block 23, Lot 5.01 – 1 Brittany Drive

Memorialization of Resolution granting approval to construct an inground pool in the A-1 Cluster Zone. A variance is required to permit a front yard setback of 120' where 150' is required.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Sobieski

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

NEGATIVE: None

Application ZB680 – Garcia-Main – Block 7.02, Lot 28 – 1 Homelands Drive

Memorialization of Resolution granting approval to construct an inground pool. A variance is required to permit a building separation of 11’ where 20’ is required.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

Application to ZB617 – Hines – Block 35, Lot 1.02 – 240 Phalanx Road

Memorialization of Resolution granting approval to remove a screen porch and construct a one story addition. A variance is required to permit a front yard setback of 55’ where 75’ is required and 31.6’ currently exist.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Goubeaud

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

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

Application for a one year extension of time to the approved variances. The extension will begin May 20, 2005 and expire May 20, 2006

Mr. McKenzie was not able to get a contractor to start his construction prior to the expiration of the variance, thus he requested a one year extension of time. The Board found this a reasonable request.

Motion to Approve the Extension of Time:

OFFER: Goubeaud

SECOND: Burry

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

NEGATIVE: None

Mr. Steib, Esq. announced that the service for Sager/ZB682 was defective. That application will not be heard and will renote for the July meeting.

APPLICATIONS: Old Business:

Application ZB679 – Sheehy – Block 8, Lot 9 – 60 Conover Road

Application to attach the detached garage to the existing dwelling. Variances are required to permit a front yard setback of 36’ where 83’ is required and a side setback of 50’ where 58’ is required. Time to August 8, 2005

Mr. Wagar, Mr. Burry and Mr. Bennett recused themselves from this application. At the last meeting the applicant requested the Board not to vote, giving two members that had not heard all of the testimony the opportunity to listen to tapes and also be eligible to vote. Both Ms. McGarry and Ms. Saavedra listened to previous tapes and are eligible to vote.

Board members agreed that the garage is aesthetically pleasing, however the Board was disappointed when the applicant came back with revised plans which required more variances. The Board felt that the garage could have been attached if it was placed closer, not violating the 90' rule, thus the hardship was self created. The Board decided to vote separately on the two proposals, the first to approve the application as it stands today and second to attach the two structures.

Motion to Approve the Application as it stands today:

OFFER: Sobieski

SECOND: Barnett

AFFIRMATIVE: Barnett

NEGATIVE: McGarry, Sobieski, Yodakis, Goubeaud and Saavedra

Motion to Approve the Application connecting the two structures:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: None

NEGATIVE: McGarry, Barnett, Sobieski, Yodakis, Goubeaud and Saavedra

APPLICATIONS: New Business

Application ZB682 – Sager – Block 44.01, Lot 4.01 – 181 Five Points Road

Application to construct a two story addition to the existing single family dwelling. A variance is required to permit a side yard setback of 51.5' where 55.5' is required and 75' currently exists.

The service for this application was defective and therefore was not heard. The applicant will renote for the meeting in July.

Application ZB683 – Penza – Block 29.01, Lot 4 – 16 Millbrook Lane

Application to construct a one story garage addition to the side of the existing single family dwelling. Variances are required to permit a front yard setback of 84.96' where 100' is required and 80.35' currently exist and a side yard setback of 42.25' and 44.4' where 65' is required and 42.25' currently exist.

Samuel Penza, applicant – sworn. Six items were marked as exhibits – zoning review, application, survey, a series of five photos, Fire Prevention Bureau report and a photo.

Mr. Penza stated that his family has lived in Cols Neck for 34 years, 28 years in this current home. The home is a ranch and has the laundry area in the basement. As he and his wife are aging, taking laundry down the steep stairwell is getting precarious. The only feasible place to build a laundry room is in the back of the garage, behind the kitchen. Septic, gas and lateral lines run along the rear of the property prohibiting an addition in the rear of the property. The proposed addition would go over an existing paved area of the driveway. Because of the 90' rule, the applicant requires a front and side yard variance.

Open to the public with no comment. The Board felt the applicant took great pride in his property and obviously put plenty of thought into this application. This addition makes a great deal of sense and was a reasonable request.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

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

NEGATIVE: None

Application ZB684 – Solomon – Block 40, Lot 7.02 – 2 Steeple Chase Court

Application to construct a raised paver stone patio. A variance is required to permit a rear yard setback of 30' and 32' where 50' is required and 49.3' currently exist.

Robert Solomon, applicant – sworn. Nine items were marked as exhibits – zoning review, application, location survey, schematic drawing, photo of property, Fire Prevention Bureau review and three photos. Mr. Solomon explained that there is a sliding glass door from the kitchen that they would like to be able to walk out onto a patio. His property slopes in the rear, causing the patio to be raised in certain areas, 24" at the most. When this house was built, a variance was granted to the builder because they had shifted it slightly during construction, putting a corner of the home within the setback.

Open to the public with no comments. The Board felt that due to the topography of the property this was a reasonable request and de minimis in nature.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

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

NEGATIVE: None

Application ZB685 – Zborovancik – Block 1.2, Lot 4 – 19 The Enclosure South

Application for an addition to enlarge the existing garage and construct a second story over the garage. Variances are required to permit a front yard setback of 76' where 80' is required and 76' currently exist, a side yard setback of 42' where 47' is required and 45' currently exist and a building coverage of 8.8% where 6.6% is the maximum and 8.1% currently exists.

Geraldine and Joseph Zborovancik, applicants – both sworn. Five items were marked as exhibits – application, zoning review, plans, Board of Health review and Fire Prevention Bureau review. The applicants currently have a three bedroom ranch on an undersized lot of record. The Zborovancik's have triplets that are ten years old and would like to give them each a bedroom. The home currently only has three bedrooms and they would like to add a bedroom and bath. The applicant found the proposed addition the least invasive, the topography of the property restricts going out the rear of the home. Open to the public with no comments.

The Board agreed that the applicant was restricted from going out the rear of the home. The proposed addition can not be seen from the street due to the current landscaping and would not have an impact

on surrounding property owners. The Board stipulated that the second story addition they approved was limited to the area over the garage.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Burry

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

NEGATIVE: None

Application ZB686 – Murray – Block 23, Lot 13.01 – 30 Deer Path Lane

Application to convert the existing garage into living space and construct a one story garage addition. Variances are required to permit a front yard setback of 65’ where 82’ is required and 76.54’ currently exist and a side yard setback of 41’ where 47’ is required and 41’ currently exists.

Michele and Richard Murray, applicants – both sworn. Seven items were marked as exhibits – zoning review, application, survey, elevation, Fire Prevention Bureau report, photo and architectural plans.

Ms. Murray stated that she will be going back to work and will be hiring a live in to take care of the children. The applicants wish to convert the garage into living space and build a new garage. The construction would be built over the existing driveway. There are greenways abutting the side of the property where the addition is proposed along with significant landscaping. Open to the public with no comments.

The Board felt that a significant hardship was placed on the homeowners because of the way the bulb of the cul-de-sac encroaches onto the front property. The unique shape and angle of the property along with the septic and pool location also limits the location of the addition. Both the building and lot coverage are compliant.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Burry

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

NEGATIVE: None

DISCUSSION ITEMS:

The Board requested that when applicants are coming before them for a pool that they stake the property. When they go out for site visits it is not always clear. The Board also requested copies of floor plans to be included in their packets whenever possible.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 10:30 p.m. to adjourn the meeting, seconded by Mr. Sobieski 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 19, 2005 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 16, 2005.

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