

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JUNE 21, 2007 AT 8:00 P.M.**

Mr. Sobieski 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: Sobieski, Yodakis, Barnett, Bennett, Burry and Goubeaud

ABSENT: Karch, Wagar and Saavedra

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

**Approval of Minutes**

Motion to Approve the Minutes of May 17, 2007:

OFFER: Yodakis

SECOND: Goubeaud

AFFIRMATIVE: Yodakis, Bennett and Goubeaud

NEGATIVE: None

**RESOLUTIONS:**

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

Memorialization of resolution granting 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: Yodakis

SECOND: Goubeaud

AFFIRMATIVE: Yodakis, Bennett and Goubeaud

NEGATIVE: None

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

Memorialization of resolution granting approval to install an inground pool. A variance is required to permit a rear yard setback of 18.2' where 25' is required.

Motion to Memorialize the Resolution:

OFFER: Goubeaud

SECOND: Yodakis

AFFIRMATIVE: Yodakis, Bennett and Goubeaud

NEGATIVE: None

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Goubeaud

AFFIRMATIVE: Yodakis, Bennett and Goubeaud

NEGATIVE: None

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

Memorialization of resolution 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.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Goubeaud

AFFIRMATIVE: Yodakis, Bennett and Goubeaud

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**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.

A letter was received from the applicants attorney stating their Engineer was not available this evening and asked to reschedule for the July meeting. The Board agreed to reschedule for July however they felt the plans should be submitted to the Township Engineer to review and comment. The application is rescheduled for July 19, 2007.

**APPLICATIONS: Old Business**

**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.

A letter was received from the Mr. LoBraico’s attorney requesting this application be carried to the July meeting. They are in the process of working with a new architect. This application was carried to the July 19, 2007 meeting with no further notice.

**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 and the issuance of a building permit on a street not improved to Township standards.

A.J. Garito, Engineer – sworn. Three new items were marked as exhibits – revised plans, Board mounted color rendering of conceptual plan and a zoning review of the new plan.

Mr. Garito stated last month they were requesting six variances. They have made plan revisions eliminating four variances leaving only two they do not have any control over. Open to the public with no comments.

The Board felt the applicant removed all variances except the pre-existing condition which they felt was being made better by improving the access. The approval was conditioned on submission of a deed of easement and grading plan.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Burry

AFFIRMATIVE: Yodakis, Bennett, Burry and Goubeaud

NEGATIVE: None

**APPLICATIONS: New Business:**

**Application ZB758 – Sebolt – Block 7.30, Lot 6 – 15 Windsor Place**

Application to construct a new single family dwelling in the A-1 Zone. A variance is required to permit the issuance of a building permit for a lot that does not have frontage on a street improved to Township standards.

A.J. Garito, Engineer and Richard Sebolt, applicant – both sworn. Six items were marked as exhibits – zoning review, application, plot plan, architectural elevations, Architectural Review comments and a color rendering of the plot plan. It was explained the parcel of land is 40 acres with a large lake on it. The property is currently accessed from a driveway off Windsor Place that is also access to his mothers neighboring property.

Their intent is to continue to maintain the rural character of the property which is why they do not want to construct a road. They would like to keep the property pristine and natural. Open to the public with no comments.

The Board agreed that creating a road would spoil the natural beauty of a large wooded lot.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Burry

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

NEGATIVE: None

**Application ZB760 – Haff – Block 21, Lot 27 – 520 Marl Road**

Application to construct a two story addition and front porch in the A-1 Zone. Variances are required to permit a front yard setback of 68’ where 75’ is permitted and a building coverage of 6.34% where 6% is the maximum permitted.

David Haff, applicant – sworn. Four items were marked as exhibits – zoning review, application, survey and architectural elevations. Mr. Haff explained they need more room upstairs and would like

to expand over their existing garage. They would also like to construct a front porch purely for aesthetic purposes. The road curves in front of their home and only a small portion of the porch requires a variance for the front yard setback. If the width of the porch was reduced from 8' to 4' they would meet the 6% building coverage.

Open to the public. Yona Shulman, 521 Marl Road – sworn. Ms. Shulman thought the plan was nice and would enhance the neighborhood; however she requested the applicant screen an existing above ground fuel tank. The applicant agreed to provide some type of vegetation to screen the tank from view.

The Board agreed the porch added interest to the home however they placed a restriction that it could not be enclosed.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Yodakis

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

NEGATIVE: None

**Application ZB671A – Harmon – Block 25, Lot 6 – 57 Bucks Mill Road**

Application for modification of approved variance. Variance is required to permit a front yard setback of 73' where 150' is required and a variance was given to permit 90'.

Mark Cohen, Esq. represented the applicant. Stanley Harmon, applicant – sworn. Eight items were marked as exhibits – zoning review, application, resolution, location plan, and a letter from Central Jersey Pools, fax correspondence to Central Jersey Pools, photos of site and a letter from Township Planner.

Mr. Cohen, Esq. explained they were granted a variance from this Board in May of 2005 permitting a pool to be placed 90' from Lake Drive. Central Jersey Pool constructed the pool and now applied for a permit to build a wall to attach a gas meter for heating the pool. During this process it was discovered the pool was built 73' from Lake Drive instead of 90'.

Mr. Harmon stated Central Jersey Pool was faxed a copy of the resolution depicting the variance that was granted and they relied completely on them to build according to the approval. However it was noted that 90' would have been the wrong location to set the pool because that is in the middle of a steep slope and would require a retaining wall.

The Board agreed the property is very well buffered on Lake Drive and the pool can not be seen. The reason the original variance was granted was because the Board felt the property owner had a hardship because they are a corner lot considered as two front yards and very well buffered.

Motion to Approve the Application:

OFFER: Burry

SECOND: Yodakis

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

NEGATIVE: None

**DISCUSSION ITEMS:**

The Board inquired if the Township has responded to suggestions they have made regarding work being done without permits. Mr. Anfuso said the Township has increased the Code Enforcement Officers hours and is advertising for a new position of Compliance Inspector.

**EXECUTIVE SESSION**

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

**MOTION TO ADJOURN**

A motion was made by Ms. Goubeaud at 9:50 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 21, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on July 19, 2007.

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