

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 19, 2008 AT 8:00 P.M.**

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

ABSENT: Wagar

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

Approval of Minutes

Motion to Approve the Minutes of May 15, 2008:

OFFER: Barnett

SECOND: Karch

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

NEGATIVE: None

RESOLUTIONS:

Application ZB701 – Moran – Block 7.21, Lot 17 – 53 Laurelwood Drive

Memorialization of resolution granting a second one year extension of time to the approved variance. The extension of time will begin November 17, 2007 and expire November 17, 2008.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Barnett

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

NEGATIVE: None

Application ZB724 – Panetta – Block 16, Lot 33.19 – 2 Sunrise Court

Memorialization of resolution granting two one year extensions of time to the approved variance. The extension will start on August 17, 2007 and expire August 17, 2009.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Sobieski

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

Application ZB787 – Carnesale – Block 51, Lot 2.34 – 2 Air Dancer Lane

Memorialization of resolution granting approval to install an inground swimming pool with spa, waterfall and 800 s.f. of patio in the A-1 Zone. A variance is required to permit 17.59% lot coverage where 15% is the maximum permitted and 17.3% currently exists.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

Application ZB788 – Colts Neck Reformed Church – Block 29.01, Lot 13 & 14 and Block 29.13, Lots 6, 8 and 17 – 76 County Route 537 West

Memorialization of resolution denying a request to reconstruct a deteriorating accessory structure in the A-3 Zone. Variances are required to permit an accessory structure building footprint of 1,145 s.f. where 900 s.f. is the maximum permitted, a proposed total floor area of 2,290 s.f. where 1,200 s.f. is the maximum permitted, Site Plan Waiver and Use Variance required for a place of worship which does not meet all conditional use provisions pertaining solely to churches.

Motion to Memorialize the Resolution:

OFFER: Goubeaud

SECOND: Sobieski

AFFIRMATIVE: Sobieski and Goubeaud

NEGATIVE: None

ADMINISTRATIVE ITEMS:

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

Request for a one year extension of time to the approved variance. The extension will start on May 17, 2008 and expire May 17, 2009.

The applicant recently submitted their application for a building permit and it was discovered the variance had recently expired. They are ready to start construction.

Motion to Approve the Extension of Time:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

Application ZB799 – Parmar – Block 7, Lot 4.14 – 19 Colts Gait Lane

Request for a special meeting to schedule an application to construct two additions to the existing single family dwelling in the AG Zone. Variances are required to permit a rear setback of 170' and 202' where 220' are required.

Mike Plousky, Esq. represented the applicant. Mr. Plousky stated his client was very anxious to start construction and requested a special meeting on June 24th which they have noticed for if the Board is willing. Mr. Anfuso confirmed the Board is fully booked for July and with a full agenda for this evening may consider holding a special meeting for any items they are not able to get to this evening.

The Board agreed that if there were items they could not reach this evening they would hold a special meeting for that reason and not for this applicant. The Board also stated this application should be last on the agenda.

Motion To Grant a Special Meeting if Warranted:

OFFER: Barnett

SECOND: Burry

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

NEGATIVE: None

APPLICATIONS: Old Business

Application ZB778 – Ioia – Block 51, Lot 14 – 139 Hockhockson Road

Application for a Use Variance to permit two single family dwellings on one lot where a maximum of one dwelling is permitted in the AG Zone.

One new item was marked as an exhibit – Historical Rehabilitation Report. Mr. Anthony Church, Architect – sworn. Mr. Church has rehabilitated three historic buildings and stated it is very costly; most people once they realize the cost abandon the project. In regard to removing the addition that is not historic, Mr. Church stated it would destroy the building because it is structurally attached. The work he is proposing is what is outlined in his report and is basically only restoring the outside of the structure. Open to the public.

Ed Eastman, 157 Hockhockson Road – sworn. Mr. Eastman stated he is an attorney but he is speaking as an adjoining property owner. Mr. Eastman stated the Ioia's property is an undersized lot of record in a ten acre zone, permitting two dwellings would be exasperating the current situation. The demolition of the house would preserve the integrity of the ordinance which requires a farm to have fifteen acres in order to have a farm labor dwelling. Permitting the second dwelling to remain does not serve the public good, there is no hardship and it is not particularly suited for the site. The new home the owner built does not tie in the architecture of the older home; it is a very modern, Mediterranean style home. Low density is what has made Colts Neck the jewel of Monmouth County.

The Board felt this was a very unique situation. Ms. Hunton's main concern was to preserve the exterior of the dwelling if feasible. The Board however was very concerned about upholding the ordinance and being assured the structure would not be used as a dwelling. Some of the Board members did not feel comfortable in going against the ordinance for something that only had some historic significance. The applicant stated he only was asking to preserve the structure because he thought it was something the Town wanted him to do.

The Board made a motion to approve the application with the condition a deed restriction be placed on the property restricting it from being rented and that a guest could not stay more than 30 consecutive days.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Barnett, Karch and Goubeaud

NEGATIVE: Yodakis, Bennett, Burry and Sobieski

This application is for a Use Variance and requires five affirmative votes. This application is denied.

Application ZB783 – Pihl – Block 16, Lot 9 – 85 Heyers Mill Road

Application to construct an addition to an existing single family dwelling, inground pool, and convert the existing 1 ½ story dwelling into a pool cabana. A variance is required to permit a front yard setback of 48' where 81' is required and 48' currently exists. An accessory structure building footprint of 1,122 s.f. where 900 s.f. is the maximum permitted.

Joseph Castelluci, Esq. represented the applicant. One new item was marked as an exhibit – updated zoning review. Shelly Pihl, applicant and Kathy Zuckerman, Architect – both sworn.

Mr. Castelluci reminded the Board that when they were in front of them last time they were apprehensive in granting a Use Variance to permit a second dwelling that is grandfathered to remain. The applicant has decided to remove all cooking facilities and convert the structure into a pool cabana.

The architect confirmed there will not be any exterior architectural changes to the structure. Ms. Pihl confirmed there is currently baseboard heating in the structure but no air conditioning. Open to the public with no comments.

The Board was pleased the applicant chose to remove a lawfully nonconforming use, however they did request the applicant record the resolution with the deed.

Motion to Approve the Application:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

Application ZB767 – Crocket – Block 30, Lot 13 – Route 537

Application for a Preliminary & Final Major Site Plan Approval with Variances and Use Variance to convert an existing single family dwelling into an office building in the B-3 Zone.

Don Burry recused himself from the application. The applicant concluded their application last month and asked the Board to vote this month when more members were eligible since this is a Use Variance.

The Board went into discussion. Some members felt it was too much to put on the property and it was a force fit. Concern over the access to the parking lot, handicap ramp and the amount of variances was very troubling.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Barnett

AFFIRMATIVE: Karch

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

This application is for a Use Variance and requires five affirmative votes. This application is denied.

APPLICATIONS: New Business:

Application ZB788A – Colts Neck Reformed Church – Block 29.01, Lot 13 & 14 and Block 29.13, Lots 6, 8 and 17 – 76 County Route 537 West

Application to reconstruct a deteriorating accessory structure in the A-3 Zone. Variances are required to permit an accessory structure building footprint of 1,058.61 s.f. where 900 s.f. is the maximum permitted, a proposed total floor area of 2,117.22 s.f. where 1,200 s.f. is the maximum permitted, Site Plan Waiver and Use Variance required for a place of worship which does not meet all conditional use provisions pertaining solely to churches.

Carol Barnett recused herself from this application. Six items were marked as exhibits – application, survey, architectural plans, zoning review and two photos of the garage. Reverend Scott Brown and Deacon Robert Gassaway both sworn.

The Board agreed there was enough of a change to consider this a new application.

Motion of Substantial Change:

OFFER: Karch

SECOND: Burry

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

NEGATIVE: None

Mr. Gassaway explained to the Board the existing accessory structure is deteriorating to the point it can not be renovated. The structure does not have a foundation or footings, they want to reconstruct it properly. The new structure will be smaller than what currently exists making a preexisting nonconforming situation better. The structure will be used for storage for the Pastor, his neighboring home does not have an attic or useable basement. The structure will be a garage for the Pastor's vehicles, a small workshop for the Sexton and to store theatrical props and decorations for the church. There will not be any plumbing in the building only electric.

The Board questioned why two smaller structures could not be built in lieu of the one larger. There really is not enough room to abide by the setbacks and place two structures. The church campus is made up of five different lots that include three residential homes, church, educational building, cemetery, administrative offices and parking. The accessory building also acts as a buffer and gives privacy to the Pastor from his home and the church.

Diana Goubeaud left the meeting. Open to the public. William Perkinson, 17 Village Lane – sworn. Mr. Perkinson stated he is a member of the Reformed Church and Chairman of their Long Range Planning Committee and also a neighbor. As a neighbor he asked the Board allow the church to improve both the church grounds and neighborhood by removing the deteriorating structure and build a new one. Vincent Shay, Jr. – sworn. Mr. Shay stated he was a member of St. Mary's church but he was in favor of the project.

The Board felt due to the scale of the campus the relative size of the project it was reasonable. The building was inherently beneficial due to the use of the church to the community. The new structure is a substantial improvement to what is currently in place and the applicant is not trying to play games by refurbishing it in stages. This is not a residential property it is part of the church complex.

Motion to Approve the Application:

OFFER: Burry

SECOND: Saavedra

AFFIRMATIVE: Yodakis, Bennett, Burry, Karch and Saavedra

NEGATIVE: Sobieski

Application ZB791 – Hill – Block 21.09, Lot 16 – 710 Lovett Road

Application to construct an open front porch on an exiting dwelling in the A-1 Zone. A variance is required to permit 65' front setback where 75' is the required.

Ralph Young, Architect and Elizabeth and Robert Hill, applicants – all sworn. Six items were marked as exhibits – zoning review, application, floor plans, Architectural Review Report, Board of Health comments and a photo of the home.

Mr. Young stated the current home is set at the 75' front setback line. The home has a flat front that has no curb appeal. They want to try and mask the flaws of the home by giving it a nose by adding a covered front porch to break up the look of the home. They will add six columns with a 6' wide deck.

Open to the public with no comments. The Board felt the deck was not excessive but felt a restriction should be placed that the deck could never be enclosed.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Yodakis, Bennett, Burry and Karch

NEGATIVE: Sobieski and Goubeaud

Application ZB792 – Bryan – Block 19, Lot 11.01 - 45 Phalanx Road

Application to construct a new single family dwelling in the AG Zone. Variances are required to permit a 3 ½ story dwelling where 2 ½ stories is the maximum permitted and to permit an 8' wall/fence with a 15.5' roof structure where 6' is the maximum height permitted.

Due to the hour this application was not heard. This application is carried to a Special Meeting of the Board of Adjustment on Tuesday, June 24, 2008 with no further notice.

Application ZB793 – Meicke – Block 14, Lot 2 – 260 Heyers Mill Road

Application for Interpretation of the Zoning Ordinance requesting a determination that the existing nonconforming structure has not been abandoned or destroyed and can be reconstructed without variance approval. In the alternative, the applicant seeks variances to reconstruct an existing detached garage. Variances are required to permit a front setback of 27' where 100' is required, side setback of 14' where 27.8' is required, total accessory building coverage of 6.9% where 5% maximum permitted, first floor area of 1,472 s.f. where 900 s.f. maximum permitted and total floor area of 1,472 s.f. where 1,200 s.f. maximum permitted.

Due to the hour this application was not heard. This application is carried to a Special Meeting of the Board of Adjustment on Tuesday, June 24, 2008 with no further notice.

Application ZB790 – Becker – Block 22.8, Lot 6 – 24 Willow Lake Drive

Application to retain 100' of 6' chain link fence with vinyl slats. A variance is required to permit a 6' solid fence in a front yard where 4' open fence is the maximum height permitted.

Due to the hour this application was not heard. This application is carried to a Special Meeting of the Board of Adjustment on Tuesday, June 24, 2008 with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 10:40 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 June 19, 2008 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on July 17, 2008.

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