

**ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES
JUNE 24, 2008 AT 8:00 P.M.**

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

ABSENT: Yodakis

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

Approval of Minutes

None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

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.

Henry Becker, applicant – sworn. Six items were marked as exhibits – zoning review, application, plot plan, Architectural Review Report, photo of fence and six photos.

Mr. Becker stated he assumed he had a backyard and did not think he had a problem installing a fence; he was trying to buffer his property from his neighbors’ unsightly property. He hired a local fence company to install a fence and was told he did not need a permit to install a fence in his back yard.

Mr. Becker currently has a pool with fence surrounding it. He has since learned that according to zoning he does not have a back yard, he has two front yards because he has frontage on both Route 537 and Willow Lake Drive. He is unable to use landscaping to buffer his neighbor without taking down a row of 50 year old white pine trees. Open to the public with no comments.

The Board felt the applicant had a hardship by having two front yards and understood the applicant wanting to screen out the unsightly neighbor. Members who visited the site felt the fence was very discrete with the property sloping making the fence virtually unnoticeable. That portion of the yard functions as a backyard and it is reasonable the applicant would want a fence for privacy. The Board did stipulate a portion of the fence parallel to Willow Lake Drive should be removed.

Motion to Approve the Application:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

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.

Pete Wagar recused himself from the application. Kerry Higgins, Esq. represented the applicant. Five items were marked as exhibits – zoning review, application, plot plan, floor plans and Architectural Review comments.

Andrew Stockton, Engineer and Planner – sworn. Mr. Stockton explained the applicant has an 11.89 acre parcel with an existing home that he has lived in for over fifteen years. They plan to demolish the existing home and build a new house in the same basic location. The property moderately slopes with a stream running through the back of the property. Taking advantage of the sloping property, the applicant wants a walkout basement where his work area will be so he can look out onto the scenic vistas, as is in the current house.

The pool area is kept slightly lower to protect the area from the winds of the open field to the east. Three different retaining walls are required as with the current home. However the ordinance now has a basement/cellar definition and the design of this home is considered a basement by 2", meaning it is considered as a 3 ½ story home. The proposed dwelling is 3' lower than the existing home is now, making a nonconforming situation better.

William Cohen, Architect – sworn. Mr. Cohen explained this is a challenging piece of property with exceptional topographic features. However, Mr. Bryan has lived on the property since 1989 and knew what he wanted and was very involved in the designing process.

They have reworked the project five times and were able to get the grading to work. They are within 2" which they felt was deminimis. To revise the grading any more would require more retaining walls that would have to be higher and they would have to redesign the home. Open to the public with no comments.

The request for the eight foot fence is for security purposes. The Board did not agree that this was a deminimis request; they felt it was a self imposed hardship. The Board was also not convinced an eight foot fence would give more security than a four foot fence.

Ms. Higgins asked the Board to carry the application to the next hearing so they can meet with the applicant and the professionals and review their plan. This application is carried to the July 17, 2008 meeting 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.

Mr. Meike stated he lived in Colts Neck when he was younger and was elated when he was able to purchase this historic property. The house was built in 1856 and he is trying to renovate and preserve all the structures on the property. Once the primary dwelling was mostly done he has focused on the garage which is approximately 80 years old. He spent six to eight months taking parts of it down to repair, not thinking a demolition permit was needed because he was repairing it, and saving all wood and materials that were removed to reuse. Mr. Meike stated he has not abandoned the use of the garage; he still parks his car on one side and stores the materials that he has removed.

Tim Anfuso, Township Planner/Zoning Officer – sworn. Mr. Anfuso stated he based his opinion on Section 102-64C of the Zoning Ordinance where it states if you are modifying excess of 50% of a nonconforming structure than it requires a variance.

Andrew Janiw, Planner – sworn. Mr. Janiw stated the structure had not been abandoned there is ongoing work until they were required to stop for this process. He also stated that Zoning Ordinance that Mr. Anfuso was quoting goes on to state three persons must agree to the disposition of the structure, and this has not been done (Construction Official, Architect/Engineer agreed on by both parties and a third party agreed to by the owner and Construction Official). Mr. Anfuso stated this is costly for the applicant, but if that is what the applicant would like to do, he will notify the Construction Official.

Reid Weinman, Esq. represented the adjoining neighbor. They wanted to advise the Township that the garage structure is unsafe and put the Township on notice. Mr. Steib, Esq. stated Mr. Anfuso would advise the Construction Official, Township Administrator and Code Enforcement Officer. This application is carried to the August 21, 2008 meeting with no further notice.

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

Application to construct two additions to the side of a single family dwelling. Variances are required to permit rear yard setbacks of 202' and 170' where 220' is required.

John Giunco, Esq. represented the applicant. Five items were marked as exhibits – zoning review, application, plot plan, architectural plans and Board of Health comments.

A.J. Garito, Engineer – sworn. Mr. Garito explained Mr. Parmar would like to construct two separate room additions that are not visible from the street. This property precedes the 90’ rule, but these additions would bring it into play adding 170’ to each setback. Mr. Parmar owns 22 acres as well as the neighboring ten acre parcel and Schlessinger Park borders the other three sides of his property.

Open to the public with no comments. The Board felt due to the extremely irregular shape of the property when calculating the 90’ rule adding 170’ is a hardship. With the park bordering on three sides, the addition not visible and the fact they are within the permitted lot coverage the Board felt this was reasonable.

Motion to Approve the Application:

OFFER: Burry

SECOND: Wagar

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

NEGATIVE: Sobieski

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Karch at 10:20 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 24, 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