

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JULY 15, 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, Barnett, Behrens, Burry, Sobieski, Wagar and Goubeaud

Absent: McGarry and Yodakis

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

**Approval of Minutes**

Motion to Approve the Minutes of June 17, 2004:

OFFER: Behrens

SECOND: Burry

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

NEGATIVE: None

**RESOLUTIONS:**

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

Memorialization of Resolution granting approval for a one year extension of time to the approved Use Variance. The extension will begin August 21, 2004 and expire August 28, 2005.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Behrens

AFFIRMATIVE: Bennett, Barnett, Behrens and Wagar

NEGATIVE: None

**Application ZB636 – Papetti – Block 12, Lot 2.02 – 1 Bellaire Court**

Memorialization of Resolution Dismissing the application without prejudice.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: Barnett

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

NEGATIVE: None

**Application ZB639 – Montefusco – Block 34, Lots 16.20 & 16.21 – 43 Orchard Lane**

Memorialization of Resolution Dismissing the application without prejudice.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: Burry

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

NEGATIVE: None

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

Memorialization of Resolution granting approval to 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.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

**Application ZB645 – Findell – Block 16, Lot 61.01 – 104 Cedar Drive**

Memorialization of Resolution denying approval 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.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Bennett, Barnett, Burry and Sobieski

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business:**

**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 52.42' where 53' is required and proposed building coverage of 6.02% where 6% is the maximum permitted.

A.J. Garito, Engineer – sworn. Mr. Garito explained to the Board that this is the third time they are in front of the Board. Since the last time the zone has changed from AG to A1 reducing variances that are required, they have also reduced the size of the garage and addition to the side of the home. The Architect Mr. Lerman – sworn, explained the changes in the plan including the elimination of the pool house. Open to the public with no comments.

Three new items were marked – variance plan, elevation and floor plans and a revised zoning review. The Board thought that they did a very good job with the new plans.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Burry

AFFIRMATIVE: Bennett, Burry, Wagar and Goubeaud

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 an 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 giving an extension of time to August 19, 2004 and asking to be carried to the August 19, 2004 meeting. The Board adopted a policy that extensions of time should be granted to the end of the month so that any unforeseen circumstances could be avoided. It was requested that the applicant extend their time to August 30, 2004. This application is carried to the August 19, 2004 meeting with no further notice.

**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 9.7% where 6.6% is the maximum permitted.

John and Guadagnino, applicants – sworn. Two new items were marked as exhibits – building plans and zoning review. The applicants explained that they have substantially reduced the size of the house to 1,980 s.f. The plans do not require any variances for setbacks and would be an asset to the neighborhood. The Board felt the home was not excessive and in keeping with the neighborhood.

Motion to Approve the Application and Memorialize the Resolution:

OFFER: Wagar

SECOND: Burry

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

NEGATIVE: None

**APPLICATIONS: New Business**

**Application ZB652 – Ceres – Block 34, Lot 25 – 9 North Point Drive**

Application to reconstruct and enlarge the existing front porch to a single family dwelling. A variance is required to permit a front setback of 69' where 75' is required and 72' currently exists.

Bonnie and Jerry Ceres, applicants – sworn. Six items were marked as exhibits – application, survey plan, elevation drawing, Fire Prevention review, zoning review and Architectural Review report.

It was explained that the house complies with zoning as it is, however the front porch as it currently stands does not comply. The current porch is falling apart and needs to be replaced. In rebuilding a new front porch they would like to make it slightly wider to provide better protection from the weather when opening the front door. T, the total width would be 12' 6". The Board felt that the variance was deminimus in nature and it was primarily due to a pre-existing nonconforming situation.

Motion to Approve the Application:

OFFER: Burry

SECOND: Wagar

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

NEGATIVE: None

**Application ZB649 – Longstreet – Block 3, Lot 23 – 3 Vista Drive**

Application to construct a one story addition to an existing single family dwelling. Variances are required to permit a rear setback of 37.10' where 50' is required, a building coverage of 7% where 6% is the maximum permitted, a total lot coverage of 21.42% where 20% is the maximum permitted and 20.34% currently exist and a building separation between the house and shed of 13' where 20' is required.

Ronald Longstreet, applicant – sworn. Mr. Longstreet advised the Board that he is not the homeowner he is the contractor. Five items were marked as exhibits – zoning review, application, site plan and elevations, Architectural Review report and a series of five aerial photos.

Mr. Longstreet explained that the homeowners have done extensive landscaping of their property, including many paver walkways, which are included in calculating the lot coverage. The applicant would like to add a recreation type room to the existing home.

Open to the public with no comments. The Board felt that the building and lot coverage were currently over the permissible limit and that too many variances were being requested.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Behrens

AFFIRMATIVE: None

NEGATIVE: Bennett, Barnett, Behrens, Burry, Sobieski, Wagar and Goubeaud

**Application ZB650 – Macnow – Block 16, Lot 33.12 – 14 Homestead Lane**

Application to retain entrance walls and piers. Variances are required to permit a pier length of 21.5' where 10' is the maximum permitted, a pier height of 7.17' and 8.83' where 5' is the maximum permitted and a setback of 0' where 1' is required.

Susan and Russell Macnow, applicants and A.J. Garito, Engineer – all sworn. Six items were marked as exhibits – application, location plan and elevations, Architectural Review report, zoning review, photoboard and two photos. The Macnow's explained that they built this home a little over a year ago and had picked out entrance piers that they wanted and the contractor built them. It was assumed that the contractor had received the appropriate approvals and permits – he did not. Code Enforcement contacted the Macnow's and they are now trying to fix the problem.

The Board sympathized with the applicants but could not approve the walls and piers as they are. It was suggested that they try to come up with a plan to reduce the severity of the variances that they are seeking. Open to the public with no comments.

The applicants asked the Board to carry this application so that they can amend their plan. This application is carried to the August 19, 2004 meeting with no further notice.

**Application ZB651 – Calvanico – Block 13, Lot 69 – 12 Westminster Drive**

Application to construct additions to an existing single family dwelling. Variances are required to permit a front setback of 76.83’ where 97.3’ is required and a side setback of 50.3’ and 59.91’ where 62.3’ is required.

Joanne Calvanico, applicant – sworn. Six items were marked as exhibits – application, plot plan, elevation, zoning review, Fire Prevention Bureau report and Architectural Review report.

Mrs. Calvanico explained to the Board that her mother is moving in with them and they are trying to give her a space of her own. To do so they are moving the laundry room and doing some other interior alterations and ran into a problem with the 90’ rule. Open to the public. Virginia Cornett, 13 Westminster – sworn. Ms. Cornett asked how wide the property is and how wide the house is? The property frontage is 225’ and 325’ across the back. The home is currently 87’ wide and they are requesting 112’. Ms. Cornett stated that her concern was if the home with the additions would fit into the character of the neighborhood. Karen Trunkel, 14 Westminster – sworn. Ms. Trunkel asked if they were moving the driveway? No.

The Board was very concerned with the 90’ rule and asked if the applicants had considered a detached structure or putting the addition out the back. The applicant had previously looked at many options but thought they could look into a few more. The applicant asked the Board to carry this application so that they can amend their plan. This application is carried to the August 19, 2004 meeting with no further notice.

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Ms. Barnett at 9:50 p.m. to adjourn the meeting, seconded by Mr. Behrens and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on July 15, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on August 19, 2004.

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