

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 21, 2005 AT 8:00 P.M.**

Mr. Burry 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: Burry, Barnett, Sobieski, Wagar, Yodakis and Saavedra

Absent: McGarry, Bennett and Goubeaud

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

Approval of Minutes

Motion to Approve the Minutes of June 16, 2005:

OFFER: Barnett

SECOND: Saavedra

AFFIRMATIVE: Burry, Barnett, Sobieski, Wagar, Yodakis and Saavedra

NEGATIVE: None

RESOLUTIONS:

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

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

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Barnett

AFFIRMATIVE: Burry, Barnett, Sobieski, Wagar and Yodakis

NEGATIVE: None

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

Memorialization of Resolution denying an 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.

Motion to Memorialize the Resolution:

OFFER: Saavedra

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Yodakis and Saavedra

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Sobieski

AFFIRMATIVE: Burry, Barnett, Sobieski, Wagar and Yodakis

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Barnett

AFFIRMATIVE: Burry, Barnett, Sobieski, Wagar and Yodakis

NEGATIVE: None

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

Memorialization of Resolution granting approval 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, a side yard setback of 42’ where 47’ is required and a building coverage of 8.8% where 6.6% is the maximum and 8.1% currently exists.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Sobieski

AFFIRMATIVE: Burry, Barnett, Sobieski, Wagar and Yodakis

NEGATIVE: None

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

Memorialization of Resolution granting approval 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

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Sobieski

AFFIRMATIVE: Burry, Sobieski, Wagar and Yodakis

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business:

None

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 54.5’ is required.

Darrell Sager, applicant – sworn. Six items were marked as exhibits – zoning review, application, location plan, Board of Health review, Fire Prevention Bureau report and Architectural Review report. Mr. Sager explained to the Board that his in-laws have lived in Colts Neck for 40 years, now due to health issues, they are going to have to move in with them. The Sager’s have look into several options with their architect to avoid needing a variance, however the addition must be handicap accessible. The property line is at an angle and a portion of the rear of the addition encroaches on the enhanced setback because of the 90’ rule. Open to the public with no comment.

The Board thought this was a modest, well thought out addition and noted that only a small corner of the building encroached into the side yard setback. The stipulation that a second cooking area could not be added to the addition.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Saavedra

AFFIRMATIVE: Burry, Barnett, Sobieski, Wagar, Yodakis and Saavedra

NEGATIVE: None

Application ZB687 – O’Leary – Block 45, Lot 13 – 17 Brookview Drive

Application to remove and reconstruct an inground swimming pool. Variances are required to permit a rear yard setback of 30’ where 47’ is required and 35’ currently exists and a building separation of 10’ where 20’ is required and 8’ currently exists.

Thomas O’Leary and Joan Donnelly, applicants – both sworn. Five items were marked as exhibits – zoning review, application, plot plan, excerpt of tax map and aerial photo. Mr. O’Leary explained that they have a very antiquated pool that can not be repaired and must be replaced according to four different pool companies. The pool will be placed in the same location, however the shape will be different, expanding the footprint. Putting a pool any place on the property would require a variance. The aerial photo shows how the property is heavily wooded and the closest home that could be built would be 600’ away. Open to the public with no comments.

The Board felt that the applicant was making the current situation more conforming and agreed that there would be no impact to neighboring properties.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Saavedra

AFFIRMATIVE: Burry, Barnett, Sobieski, Wagar, Yodakis and Saavedra

NEGATIVE: None

Application ZB689 – Caputo – Block 7.29, Lot 5 – 24 Laurelwood Drive

Application to construct an inground swimming pool. A variance is required to permit a side yard setback of 7' where 25' is required.

John Caputo, applicant – sworn. Four items were marked as exhibits – zoning review, application, pool grading plan and Fire Prevention Bureau report. Mr. Caputo explained that his property was an irregular shaped lot that slopes down severely in the back. If the pool were to be pushed back it would require approval from the DEP. Open to the public with no comment.

The Board felt that 10' to a property line was extremely close for a pool. The applicant requested that this application be carried so he could speak with the pool company further. This application is carried to the August 18, 2005 meeting with no further notice.

Application ZB688 – Journick – Block 21.06, Lot 3 – 6 Saratoga Drive

Application to construct a gable in the existing roof and add a new covered porch. A variance is required to permit a 73.54' front setback where 76' is required and 75.54' currently exists.

Marilyn Gentel, architect – sworn. Six items were marked as exhibits – zoning review, application, survey, elevations, Fire Prevention Bureau review and Architectural Review report. Ms. Gentel stated that she was representing the applicant because they were on vacation. Mr. Steib stated that before any resolution could be memorialized a written authorization must be received.

Ms. Gentel explained that the applicants needed a new roof and windows. While addressing those issues it was decided to give the home a facelift by installing a gable roof and covered front entry. The open entrance comes forward two feet and because of the 90' rule requires a variance. Open to the public with no comments.

The Board did not see this as a major front setback problem, the open porch is only five feet wide. The Board complimented the architect on a very pleasant design.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Saavedra

AFFIRMATIVE: Burry, Barnett, Sobieski, Wagar, Yodakis and Saavedra

NEGATIVE: None

Application ZB690 – Osborne – Block 7.10, Lot 16 – 13 Provincial Place

Application to construct an inground swimming pool. Variances are required to permit a front yard setback of 85' (filter) and 50' (pool) where 100' is required and a fence height of 5' where 4' is the maximum permitted.

Yolanda Osborne, applicant – sworn. Five items were marked as exhibits – zoning review, application, survey, Fire Prevention Bureau report and a series of twelve photos. Ms. Osborne explained that due to the location of their septic and the fact that they are a corner lot create great hardships. She was requesting a 5' open Jerith fence for safety because her son is autistic and is a large boy. Mrs. Osborne submitted a series of photographs depicting several other pools within the front yard on corner lots in her neighborhood and demonstrated that the requested pool would be

surrounded by landscaping and would not be out of character with the existing pattern of development in the area. Open to the public with no comment.

The Board agreed that having two front yards is a hardship. If it were not a corner lot the majority of the fence could be permitted. The photos showed that the lot is sufficiently landscaped from neighboring properties.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Barnett

AFFIRMATIVE: Burry, Barnett, Sobieski, Wagar, Yodakis and Saavedra

NEGATIVE: None

Application ZB691 – Schildge – Block 35.03, Lot 1 – 61 Beaver Dam Road

Application to construct a one story addition on an existing single family dwelling. Variances are required to permit side yard setbacks of 40' and 53.8' where 60' is required and 40' currently exists and a rear yard setback of 51.23' where 70' is required and 50' currently exists.

Jane and George Schildge, applicants and Mike Simpson, Architect – all sworn. The Schildge's explained they built this home 31 years ago, prior to the 90' rule. The home is a ranch and they wish to add a family room on the south side where they will get full sun because they grow a large number of plants. Mr. Simpson went over the layout of the home and stated that there was no other logical location for the addition. Open to the public with no comment. The home is 206' from the street and they are not increasing the setbacks anymore than they currently are.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Barnett

AFFIRMATIVE: Burry, Barnett, Sobieski, Wagar, Yodakis and Saavedra

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Wagar at 9:20 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 July 21, 2005 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on August 18, 2005.

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