

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 20, 2006 AT 8:00 P.M.**

Mr. Burry 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: Burry, Sobieski, Barnett, Bennett, Karch, Wagar (20 minutes late), Yodakis and Goubeaud

ABSENT: Saavedra

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

Approval of Minutes

Motion to Approve the Minutes of June 15, 2006:

OFFER: Sobieski

SECOND: Barnett

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

NEGATIVE: None

RESOLUTIONS:

Application ZB719 – Doherty – Block 35, Lot 1.07 – 7 Brandywine Lane

Memorialization of resolution granting approval for a second floor addition and a 1 ½ story garage addition in the A-1 Zone. A Variance is required to permit a building coverage of 6.25% where 6% is the maximum permitted.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Sobieski

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

NEGATIVE: None

Application ZB711 – Sheehy – Block 8, Lot 9 – 60 Conover Road

Memorialization of resolution denying the construction of a 6' x 32.6' breezeway to attach the two story garage under construction to the single family dwelling in the A-1 Zone. Variances are required to permit a front yard setback of 36.2' where 110' are required and a side yard setback of 55' where 85' are required.

Motion to Approve the Resolution:

OFFER: Yodakis

SECOND: Sobieski
AFFIRMATIVE: Sobieski, Yodakis and Goubeaud
NEGATIVE: None

ADMINISTRATIVE ITEMS:

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

Request for a one year extension of time to the Preliminary and Final Major Site Plan, and Use Variance. The extension of time will begin August 21, 2006 and expire August 21, 2007.

Mr. Anfuso explained the applicant is the lessee and not the owner; therefore he is having trouble perfecting the site plan. There have not been any zoning changes that effect this application.

Motion to Approve the Extension of Time:

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

APPLICATIONS: Old Business

Application ZB717 – Innucci – Block 35, Lot 7.04 – 5 Wide Horizons Drive

Application to construct a garage and pool cabana additions to a single family dwelling in that zone. Variances are required to permit a front setback of 90' where 111.05' is required and 90' exist, a sideyard setback of 41.5' where 81' is required and 76.05' exist, a rear setback of 79' from the garage, 43' from the deck and 58' from the cabana where 86.05' is required, building coverage of 8.42% where 6% is the maximum permitted and 6.38% exists and a total lot coverage of 30.2% where 20% is the maximum permitted and 25% exists.

A letter was received from the applicant stating he is still working on revisions to his plans and asking to carry this application to the August meeting. Mr. Steib, Esq. announced this application is carried to the August 17, 2006 meeting with no further notice.

Application 716 – Scannelli – Block 29, Lot 9.03 – 14 Freemont Lane

Application for an addition and complete renovation to an existing single family dwelling in the AG Zone. Variances are required to permit a front yard setback of 108' where 256' is required and 132' currently exist and a building height of 40' where 35' is the maximum permitted.

A letter was received from this applicant stating he is working with his architect to revise plans and would like to be carried to the August meeting. Mr. Steib, Esq. announced this application is carried to the August 17, 2006 meeting with no further notice.

Application ZB713 – Fewer – Block 8, Lot 12 – 100 Conover Road

Application to retain additions to an existing detached accessory structure in the A-1 Zone. Variances are required to permit two additions with a front setback of 95' and 73.13' where 150' is required, an accessory structure building height of 26' where 25' is the maximum permitted, an accessory structure footprint of 1,601 s.f. where 900 s.f. is the maximum permitted and 1,143 existed and to permit a total floor area of 2,951 s.f. where 1,200 s.f. is the maximum permitted and 2,286 s.f. existed.

Mr. Harvey, Esq. told the Board they were waiting for their Architect to arrive and asked to be heard last. The Board agreed.

APPLICATIONS: New Business:

Application ZB721 – Lopes – Block 45, Lot 8 – 76 Hominy Hill Road

Application to construct an inground swimming pool with a swim-up bar structure, relocate a shed and install a five foot fence in the A-1 Zone. Variances are required to permit a 0' separation between the pool and bar structure where 10' is required, a five foot fence in the front yard where four foot is the maximum permitted and to permit a 30' setback for the shed where 50' is required.

T.J. Prizzi, pool builder and Sergio Lopes, applicant – sworn. Six items were marked as exhibits – zoning review, application, survey, pool layout, Architectural Review report and survey with four photos.

Mr. Prizzi explained a variance is needed for the roof over the swim up bar structure only. It has an open air roof for shade, if this cover was not constructed a variance would not be required. There will be fans and low lighting under the roof allowing people to sit in the shade. Mr. Wagar arrived.

The property owners would also like to move an existing shed so that it is not in the middle of the yard and incorporate it into their new landscaping. They are also requesting a five foot fence to surround the entire property so their children are not limited to the back yard. This will be the only fence in the yard and they felt a five foot fence was more secure. Open to the public with no comments.

The Board could not justify the need to move the shed from a conforming location and grant a variance or the need of a five foot fence verses a four foot fence. The applicant withdrew the request for both items.

The Board felt comfortable granting the variance for the bar structure with the stipulation that it could not be enclosed in the future.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Sobieski

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

NEGATIVE: None

Application ZB722 – Almeida – Block 29, Lot 14.09 – 14 Shady Tree Lane

Application to construct a two story addition to the rear of an existing dwelling in the A-1 Zone. A variance is required to permit a 7.06% building coverage where 6% is the maximum permitted and 6.2% currently exists.

Susan and Victor Almeida, applicants – sworn. Six items were marked as exhibits – zoning review, application, survey, floor plans and elevations, Architectural Review report and a series of photographs.

The Almeida's moved to Colts Neck seven years ago, before they had children. They now have four children and their niece lives with them and they desperately need more room. They love the neighborhood but were unable to construct an addition without requiring setback variances, so they

sold their home at 9 Shady Tree Lane and purchased 14 Shady Tree Lane. This house is larger; however they still need another bedroom and would like to enlarge the kitchen. The easiest and most cost effective way is to square off the back of the home so it would not be visible.

Open to the public with no comments. The Board sympathized with the applicant but felt that 7.06% was a gross overage when 6% is the maximum permitted. The applicant requested to be carried to the next meeting so they could consult further with their architect. This application is carried to the August 17, 2006 meeting with no further notice.

Application ZB723 – Ahn – Block 33, Lot 13 & 14 – 33A Muhlenbrink Road

Application to construct an inground pool. A variance is required to permit a side yard setback of 25' where 43' is required.

Ms. Barnett recused herself from this application. Audrey and Philip Ahn, applicants – sworn. Four items were marked as exhibits – zoning review, pool location plan, survey and application.

The Ahn's explained that own two adjoining lots that are each over five acres but are very narrow. The two lots are considered as one for the purposes of zoning because they are both nonconforming and have the same ownership.

Open to the public with no comments. The Board felt this was a unique situation and a true hardship.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Karch

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

NEGATIVE: None

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

Application to construct a two story addition to the side of the existing dwelling. Variances are required to permit a front yard setback of 76' to Sunrise Court and 61' to Shadowbrook Drive where 87' is required.

Joseph Panetta, applicant – sworn. Six items were marked as exhibits – zoning review, application, survey, elevation floor plan, Architectural Review report and a photoboard with four photos.

Mr. Panetta explained that his family has lived in this house for twelve years and the family needs another bathroom on the second floor and a great room on the first floor. They are conforming as far as building and lot coverage, however because they are a corner lot they do not meet the front setbacks.

Open to the public with no comments. The Board understood that if the Panetta's did not have a corner lot the home would meet the required 75' setback. However the Board did require that buffering is placed along the Shadowbrook Drive side to meet the satisfaction of the Planner.

Motion to Approve the Application:

OFFER: Karch

SECOND: Barnett

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

NEGATIVE: None

APPLICATIONS: Old Business

Application ZB713 – Fewer – Block 8, Lot 12 – 100 Conover Road

Application to retain additions to an existing detached accessory structure in the A-1 Zone. Variances are required to permit two additions with a front setback of 95’ and 73.13’ where 150’ is required, an accessory structure building height of 26’ where 25’ is the maximum permitted, an accessory structure footprint of 1,601 s.f. where 900 s.f. is the maximum permitted and 1,143 existed and to permit a total floor area of 2,951 s.f. where 1,200 s.f. is the maximum permitted and 2,286 s.f. existed.

Mr. Burry recused himself from this application. Two new items were marked as exhibits – new architectural plan and a revised zoning review. Brian Harvey, Esq. represented the applicant.

Rich DiFolco, Engineer – sworn. Mr. DiFolco explained the application was amended to remove the walls and windows on the curved addition. This would make that space an open patio with a roof and would lessen the visual impact. He stated there is currently heavy evergreen screening and the applicant will supplement it if the Board requires. Open to the public. Vince Domidion, Revolutionary Road asked if a conforming accessory structure could be placed on the property? Yes.

David Feldman, Architect – sworn. Mr. Feldman stated the major change to the plan was changing the sunroom to an open area. The floor plan has also been restructured to show that it will be used as a recreational structure. Open to the public. Vince Domidion, Revolutionary Road asked what the structure was previously used for? It was a garage with an apartment above. Mr. Domidion asked if the accessory structure is so well screened, who would benefit from the open patio? It would benefit the applicant or anyone who visited the property.

Mr. Harvey, Esq. summarized they felt the benefits outweighed the detriments. The placement of the home is such that the property can not be subdivided. They are under the total permissible lot coverage. Open to the public. Vince Domidion, Revolutionary Road – sworn. His opinion was the structure was totally reconstructed, it could have been built in a conforming location. It does not have any public benefit, he requests the Board deny the application.

The Board felt the square footage of the accessory far exceeds anything they have ever considered approving. They did not hear anything to justify a recreation building needed to be that large. Although the accessory and the new home they are constructing is beautiful, they felt the variances were too excessive. If this application was in front of them for approval to build this structure they would not approve it. By approving the addition it compounds the problem of an accessory structure that was already larger than what is permitted.

Motion to Approve the Application:

OFFER: Karch

SECOND: Barnett

AFFIRMATIVE: None

NEGATIVE: Sobieski, Barnett, Bennett, Karch, Wagar, Yodakis and Karch

DISCUSSION ITEMS:

The Board discussed the severe problem of builders either building without permits or not building what has been approved. The Board requested Mr. Steib research what can be done when this happens.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Sobieski at 10:55 p.m. to adjourn the meeting, seconded by Mr. Bennett 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 20, 2006 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on August 17, 2006.

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