

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JULY 19, 2007 AT 8:00 P.M.**

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

ABSENT: None

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

**Approval of Minutes**

Motion to Approve the Minutes of June 21, 2007:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

**RESOLUTIONS:**

**Application ZB754 – Pacheco – Block 38, Lot 15.02 – 327 Lakeside Avenue**

Memorialization of resolution granting approval to construct a new single family dwelling in the A-1 Zone. Variances are required to permit a lot frontage of 35.10' where 300' is required and the issuance of a building permit on a street not improved to Township standards.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Yodakis, Bennett, Burry and Goubeaud

NEGATIVE: None

**Application ZB758 – Sebolt – Block 7.30, Lot 6 – 15 Windsor Place**

Memorialization of resolution granting approval to construct a new single family dwelling in the A-1 Zone. A variance is required to permit the issuance of a building permit for a lot that does not have frontage on a street improved to Township standards.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Burry

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

NEGATIVE: None

**Application ZB760 – Haff – Block 21, Lot 27 – 520 Marl Road**

Memorialization of resolution granting approval to construct a two story addition and front porch in the A-1 Zone. Variances are required to permit a front yard setback of 68’ where 75’ is required and a building coverage of 6.34% where 6% is the maximum permitted.

Motion to Memorialize the Resolution:

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

**Application ZB671A – Harmon – Block 25, Lot 6 – 57 Bucks Mill Road**

Application for modification of approved variance. Variance is required to permit a front yard setback of 73’ where 150’ is required and a variance was given to permit 90’.

Motion to Memorialize the Resolution:

OFFER: Yodakis  
SECOND: Goubeaud  
AFFIRMATIVE: Yodakis, Bennett and Goubeaud  
NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**Application ZB728 – Sheehy – Block 8, Lot 9 – 60 Conover Road**

Request to retain the second floor joists and stairway which was to be removed on the floor plans prepared by Jaeger Design dated October 4, 2006 and approved by the Board on November 16, 2006.

Brian Harvey, Esq. represented the applicant. Mr. Harvey explained the applicant is willing to remove the stairs and a deed restriction has been filed as the resolution required. However, they have retained a structural engineer to oversee the job and he has issues regarding removing the floor joists.

Vincent Zambetti, Professional Engineer- sworn. Mr. Zambetti specializes in structures in distress. He stated he was retained to propose the most economical way to remove the use of the second floor of the garage. It was his opinion that removing the floor joists of the second floor would compromise the integrity of the building and he proposed removing the stairs and leave the floor joists but remove the plywood which would remove the use. Open to the public with no comments.

Some Board members felt the applicant stating they would take out the floor joists of the second floor was the determining factor for them to approve the application which they previously denied. The Township Engineer felt the joists could be removed without causing structural damage, although it would be more costly than the proposed alternative.

Motion to Approve the Application:

OFFER: Yodakis  
SECOND: Barnett  
AFFIRMATIVE: Barnett  
NEGATIVE: Sobieski, Yodakis, Karch, Goubeaud and Saavedra  
ABSTAIN: Bennett, Burry and Wagar

**Application ZB710 – Moran – Block 7.21, Lot 17 – 53 Laurelwood Drive**

Application for a one year extension of time to the approved variance. The extension will begin November 17, 2006 and expire November 17, 2007

Mr. Moran had to receive DEP approvals in order to construct a retaining wall prior to beginning the pool. This process took a very long time and is finally complete. He is ready to get permits for the pool however his approval expired.

Motion to Approve the Extension of Time:

OFFER: Yodakis

SECOND: Barnett

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

NEGATIVE: None

**APPLICATIONS: Old Business**

**Application ZB753 – Pollitto – Block 11, Lot 24 – 11 Fairway East**

Application to construct a one story addition and wood decks to the rear of a single family dwelling. Variances are required to permit a rear setback of 50' where 69' is required.

Vince Pollitto, applicant and Donald Passman, Architect – sworn. Two new items were marked as exhibits – zoning review and revised site plan. Mr. Passman explained the previous plans added an addition to the side and rear of the existing home; they have revised the plans so the entire addition is now to the rear of the home. They also incorporated comments from Architectural Review in the new plans. Open to the public with no comments.

The Board thought the revised plans looked good and reduced the variances. The Board just wanted to make sure the Fire Marshall was comfortable with the wrap around deck and the sloping ground. They wanted to be assured the Fire Department would be able to ladder the house if needed.

Motion to Approve the Application:

OFFER: Burry

SECOND: Yodakis

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

NEGATIVE: None

**Application ZB756 – Pagliano – Block 38, Lot 13 - 240C Swimming River Road**

Application to retain an addition and new second floor to a 34' x 24' detached garage. Variances are required to permit a front yard setback of 14.9' where 100' is required, a total floor area of 1,632 s.f. where 1,200 s.f. is the maximum permitted and to allow the issuance of a building permit to a lot that does not front on a municipal street.

Vince and Rosaline Pagliano, applicants – sworn. Seven new items were marked as exhibits – updated zoning review, revised plan, series of three photos, series of six photos, series of four photos of the exterior, series of four photos, series of three photos and a photo of the garage prior to renovations.

Mr. Pagliano stated the existing garage is 35 years old and stores all equipment for his clown business (costumes, props, etc.) there is no running water or plumbing in the structure. Open to the public. Robert Adler, 230B Swimming River Road – sworn. Mr. Adler said before Mr. Pagliano built the

addition he spoke with him and configured it in consideration of him as a neighbor. He felt the structure was a vast improvement from the way it looked previously.

Mrs. Pagliano was confused because they amended the plan and she felt the variances should be reduced. Tim Anfusio, Township Planner, clarified that the footprint of the garage is compliant it is the floor area that exceeds zoning. The Pagliano's will meet with the Zoning Officer and then an architect to see how they can remedy the situation. This application is carried to the October 18, 2007 meeting with no further notice. The applicant gave an extension of time to October 31, 2007.

**Pete Wagar left the meeting.**

**Application ZB730A - LoBraico – Block 45.02, Lot 2 – 25 Salem Drive**

Application for a second story and rear additions to a single family dwelling in the A-1 Zone. Application for an interpretation if the proposed renovations to the existing porch constitute a roof, or in the alternative a variance to permit a building coverage of 7.16% where 6.6% is the maximum permitted.

Mr. LoBraico stated he hired Mike Jaeger, Architect to renovate his plans. He had a drawing that Mr. Jaeger had completed today, however he did not have the details. This application is carried to the August 16, 2007 meeting and the applicant was told the architectural details must be in the Zoning office ten days prior to the hearing.

**APPLICATIONS: New Business:**

**Application ZB759 – Wong – Block 29, Lot 9.01 – 1 Blue Bell Road**

Application to add a second story over an existing 1 ½ story garage without changing the building footprint. A variance is required to permit a front yard setback of 259' where 283' is required.

Hung Wong, applicant – sworn. Seven items were marked as exhibits – zoning review, application, survey, architectural elevation, Architectural Review Committee's comments, photo of residence and a photo of the inside of the garage.

Mr. Wong explained the existing second story of the garage has a 4' knee wall as depicted in the photo. He would like to raise it to a 10' ceiling without changing the footprint of the structure. Open to the public with no comment.

The Board felt this was a pre-existing structure on a large parcel of property (ten acres). The addition conforms in every other way.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

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

NEGATIVE: None

**Application ZB761 – Buhler – Block 43, Lot 8.01 – 120 Matthews Road**

Application to retain an existing shed that was constructed without municipal approvals. A variance is required to permit a sideyard setback of 8.5' where 50' is required.

Mr. Anfuso told the Board the applicant was just made aware of an objector who had an attorney representing them. The applicant asked to carry the application to give him an opportunity to retain an attorney. This application is carried to the August 16, 2007 meeting with no further notice.

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Bennett at 9:55 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 July 19, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on August 16, 2007.

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