

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 17, 2008 AT 8:00 P.M.**

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

ABSENT: Burry and Saavedra

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

Approval of Minutes

Motion to Approve the Minutes of June 19, 2008:

OFFER: Barnett

SECOND: Sobieski

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

NEGATIVE: None

Motion to Approve the Minutes of June 24, 2008:

OFFER: Barnett

SECOND: Wagar

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

NEGATIVE: None

RESOLUTIONS:

Application ZB749 – Constantinou – Block 34, Lot 16.23 – 31 Orchard Lane

Memorialization of resolution granting a one year extension of time to the approved variance. The extension will start on May 17, 2008 and expire May 17, 2009.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Sobieski

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

NEGATIVE: None

Application ZB778 – Ioia – Block 51, Lot 14 – 139 Hockhockson Road

Memorialization of resolution denying a Use Variance to permit two single family dwellings on one lot where a maximum of one dwelling is permitted in the AG Zone.

Motion to Memorialize the Resolution:

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

Application ZB783 – Pihl – Block 16, Lot 9 – 85 Heyers Mill Road

Memorialization of resolution granting approval to construct an addition to an existing single family dwelling, inground pool, and convert the existing 1 ½ story dwelling into a pool cabana. A variance is required to permit a front yard setback of 48’ where 81’ is required and 48’ currently exists and an accessory structure building footprint of 1,122 s.f. where 900 s.f. is the maximum permitted.

Motion to Memorialize the Resolution:

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

Application ZB767 – Crocket – Block 30, Lot 13 – Route 537

Memorialization of resolution denying Preliminary & Final Major Site Plan Approval with Variances and Use Variance to convert an existing single family dwelling into an office building in the B-3 Zone.

Motion to Memorialize the Resolution:

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

Application ZB788A – Colts Neck Reformed Church – Block 29.01, Lot 13 & 14 and Block 29.13, Lots 6, 8 and 17 – 76 County Route 537 West

Memorialization of resolution granting approval to reconstruct a deteriorating accessory structure in the A-3 Zone. Variances are required to permit an accessory structure building footprint of 1,058.61 s.f. where 900 s.f. is the maximum permitted, a proposed total floor area of 2,117.22 s.f. where 1,200 s.f. is the maximum permitted, Site Plan Waiver and Use Variance required for a place of worship which does not meet all conditional use provisions pertaining solely to churches.

Motion to Memorialize the Resolution:

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

Ms. Goubeaud stated her dissenting opinion regarding this application.

Application ZB791 – Hill – Block 21.09, Lot 16 – 710 Lovett Road

Memorialization of resolution granting approval to construct an open front porch on an exiting dwelling in the A-1 Zone. A variance is required to permit 65’ front setback where 75’ is the required.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Yodakis, Bennett, Barnett, Karch and Sobieski

NEGATIVE: None

Application ZB790 – Becker – Block 22.8, Lot 6 – 24 Willow Lake Drive

Memorialization of resolution granting approval to retain 100’ of a 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.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Karch

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

NEGATIVE: None

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Sobieski

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

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

Request for a one year extension of time to the approved variance. The extension will start on July 19, 2008 and expire July 19, 2009

Motion To Grant an Extension of Time:

OFFER: Barnett

SECOND: Karch

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

NEGATIVE: None

Application ZB751 – Scanelli – Block 51, Lot 6 – 39 Water Street

Request for a one year extension of time to the approved variance. The extension will start on April 19, 2008 and expire April 19, 2009

Motion To Grant an Extension of Time:

OFFER: Barnett

SECOND: Karch

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

NEGATIVE: None

APPLICATIONS: Old Business

Application ZB789 – Andreyko – Block 12.03, Lot 2 – 29 White Oak Drive

Application to construct a second story addition, front porch and detached garage (24' x 36') on an undersized lot in the A-1 Zone. Variances are required to permit an accessory side yard setback of 20' where 25' is required, a garage to shed separation of 18' where 20' is required and a total lot coverage of 24.43% where 20% is the maximum permitted and 25.27% currently exists.

Four new items were marked as exhibits – revised variance plan, architectural floor plans, zoning review and Fire Prevention comments. A.J. Garito, Engineer and Bryan Andreyko, applicant – sworn.

Mr. Garito explained previously they were requesting an attached garage which put them over the 90' rule. They are now requesting a detached garage, have eliminated a portion of the front porch and are removing a portion of existing concrete reducing the lot coverage to less than currently exists. The existing shed is also going to be removed eliminating the separation variance. The only variances required are for the side yard and total lot coverage.

The approval is conditioned on the architectural plans of the garage being submitted showing the upstairs being limited to 336 s.f., and the concrete being removed prior to building permits being issued. The Board felt the applicant did a great job eliminating variances.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Yodakis, Bennett, Barnett, Karch, Sobieski 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.

A letter was received from the applicant's attorney stating they are revising their plans and are hoping to eliminate all variances. The plans are not totally complete so they are requesting this application be carried to the August meeting. This application is carried to the August 21, 2008 meeting with no further notice.

APPLICATIONS: New Business:

Application ZB796 – Conti – Block 19, Lot 9 – 52 Laird Road

Application to construct a one story addition to an existing single family dwelling in the A-1 Zone. Variances are required to permit a front yard setback of 70' where 75' is required and 38.2' currently exist and a total lot coverage of 25% where 20% is the maximum and 23% currently exist.

Mark Aikens, Esq. represented the applicant. Six items were marked as exhibits – zoning review, application, site plan, Architectural Review comments, colored site plan and a photoboard with two photos and elevations.

Mike Jaeger, Architect – sworn. Mr. Aikens explained the property is an undersized lot that currently has a home on it. The proposed addition is to the rear of the home which is 72' from the front yard requiring a variance. There is a detached garage behind the home requiring a longer driveway which contributes to the lot coverage. Open to the public with no comments.

The Board felt this was a modest addition (375 s.f.) nestled in the rear of the home where it can not be seen. The Board also felt the property being an undersized and the location of the garage was a hardship.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Bennett

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

NEGATIVE: None

Application ZB797 – Weiss – Block 22.02, Lot 12 – 151 Montrose Road

Application to construct an inground swimming pool in the A-1 Zone. A variance is required to permit a 10' building separation where 20' is required. Time to September 17, 2008

Service for this application was defective. The applicant will renote for the August 21, 2008 meeting.

Application ZB798 – Ramovic – Block 7.02, Lot 34.08 – 10 Warrenton Lane

Application to construct an inground swimming pool in the A-1 Zone. Variance are required to permit a rear yard setback of 50' where 60' is required and total lot coverage of 21.4% where 20% is the maximum permitted.

Vesel Ramovic, applicant – sworn. Eight items were marked as exhibits – application, sketch of patio, grading plan, zoning review, Architectural Review comments, Fire Prevention comments, photo of the current porch and photo showing deck condition.

Mr. Ramovic told the Board he purchased the property a year ago, the deck had not been maintained and needs to be replaced. He would like to keep the footprint but change the material to brick/pavers. The 90' rule is what causes the existing deck to not conform to required setbacks. By adding a pool the lot coverage is increasing from 20% to 21.4%.

Open to the public with no comments. The Board felt there was a lot of patio/paver areas and the applicant should remove some of the existing lot coverage. The applicant agreed to reduce the total lot coverage to 20.5%

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Bennett

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

NEGATIVE: None

Application ZB795 – Heck – Block 7.02, Lot 27 – 51 West Larchmont Drive

Application to construct an addition to an existing single family dwelling in the A-2 Zone. Variances are required to permit a front setback of 76.03' where 80' are required, a side yard setback of 40.6' where 45' is required, a building separation of 5' to the hot tub where 20' is required and a proposed 3 ½ story home where 2 ½ stories is the maximum permitted.

Service for this application was defective. The applicant will renote for the August 21, 2008 meeting.

Application ZB801 – Geissler – Block 1.01, Lot 5 – 10 Clover Hill Lane

Application to relocate the existing detached garage in the A-1 Zone. A variance is required to permit a side yard setback of 45.81' where 50' is required.

Service for this application was defective. The applicant will renote for the August 21, 2008 meeting.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

A motion was made by Mr. Sobieski at 9:30 p.m. to go into an Executive Session, seconded by Ms. Goubeaud and unanimously carried.

MOTION TO ADJOURN

A motion was made by Mr. Karch at 9:50 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 17, 2008 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on August 21, 2008.

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