

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 19, 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, Behrens, Burry, Yodakis, Sobieski, Wagar and Goubeaud

Absent: Barnett

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

Approval of Minutes

Motion to Approve the Minutes of July 15, 2004:

OFFER: Behrens

SECOND: Wagar

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

NEGATIVE: None

RESOLUTIONS:

Application ZB630 – Naddeo – Block 34, Lot 16.09 – 26 Orchard Lane

Memorialization of Resolution granting approval to construct a front porch and two additions.

Variances are required to permit side setbacks of 49.35' and 52.42' where 53' is required and building coverage of 6.02% where 6% is the maximum permitted.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: Bennett, Burry, Wagar and Goubeaud

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

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

Memorialization of Resolution denying approval 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.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Wagar

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Application ZB539 – Cappelleri – Block 21, Lot 13 – 401 Marl Road

Request for three year retroactive extension of time to the approved variances. The extension will begin June 21, 2002 expire June 21, 2005.

Mr. Steib, Esq. clarified for the Board that according the Colts Neck Township ordinance, a variance is only good for one year, an applicant must request an extension for a year at a time. The applicant is limited to four extensions, after a five year period the applicant must reapply. Mr. Anfuso verified that there have not been any zoning changes that would effect this application.

Motion to Approve the Extension of Time:

OFFER: Sobieski

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Behrens, Burry, Yodakis, Sobieski and Wagar

NEGATIVE: None

Application ZB616 – Boag – Block 19, Lot 32 – 41 County Road 537 East

Request for a one year extension of time to the approved variances. The extension will begin September 18, 2004 and expire September 18, 2005.

Motion to Approve the Extension of Time:

OFFER: Behrens

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Behrens, Burry, Yodakis, Sobieski and Wagar

NEGATIVE: None

APPLICATIONS: Old Business:

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 applicants attorney requesting that this application be carried to the September meeting. This application has already been carried twice, the Board requested a letter be sent to the applicant stating that if they did not proceed in September the application would be dismissed.

This application is carried to the September 16, 2004 meeting with no further notice.

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 5.75' where 5' is the maximum permitted and a setback of 0' where 1' is required.

A. J. Garito, Engineer for the applicant sworn. Mr. Garito explained that this application was carried from the previous month. They have taken off the lights from the entrance piers to reduce the height and reduced the height of the wall to four feet. Although three variances are still required, it is only a small portion of the wall that is non-conforming.

Open to the public with no comments. Mr. Steib, Esq. clarified that if the Board approves this application as presented they are not approving the pier in the right-of-way. As a second step, the applicant must go to the Governing Body to seek approval to allow the pier to remain in Township property.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Burry

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

NEGATIVE: None

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

Application to construct additions to an existing single family dwelling and detached garage. A variances is required to permit a front setback of 75' where 83' is required.

Joann and Peter Calvanico, applicants – sworn. Three new items were marked as exhibits – zoning review, Architectural Review report and revised architectural plans. Mrs. Calvanico explained that they decided to construct a detached garage. By eliminating the garage addition, both sides are now conforming. A variance is only required for the front setback.

Open to the public with no comments. The Board was very pleased that the applicants reduced the amount of variances being sought and were still able to get what they wanted.

Motion to Approve the Application:

OFFER: Behrens

SECOND: McGarry

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

NEGATIVE: None

APPLICATIONS: New Business

Application ZB654 – Litwin – Block 33, Lot 1.01 – 24 Creamery Road

Application to enlarge the existing riding ring roof which was originally authorized by variance. Variances are required to permit a building coverage of 8.63% where 5% is the maximum permitted and 6.16% exists and a total lot coverage of 15.57% where 10% is the maximum permitted and 13.10% currently exists.

Mike Bruno, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Lisa Dobrowski-Litwin and Chris Litwin, applicants – sworn. Six items were marked as exhibits – application, variance plan, zoning review, Architectural Review report, color rendering of variance plan and six mounted photos.

Mr. Bruno, Esq. explained to the Board that the applicants have over ten acres and are located in the AG Zone and have a true horse farm, which is consistent with the Master Plan. Approximately a year ago the applicants were in front of this Board requesting a 120’ x 240’ covered riding arena. The Board at that time felt that the coverage was too excessive and the applicants modified the cover to 120’ x 140’ that was approved. Mr. Garito explained that the cover has since been installed and the applicants are finding that the functionality has been compromised by not having the ends covered. By covering each end with a circular cover they would be adding approximately 10,000 s.f. This would not only enable the horses to be exercised all year, it would also make it look more complete and aesthetically pleasing.

Mr. Bruno, Esq. requested that the Board come out to the site so that they could fully understand the situation. The Board members were all familiar with the property, have seen the arena and did not feel a site visit was necessary.

Open to the public with no comments. The Board was concerned that very significant variances were being requested. Although the property is beautifully manicured the concern was that with the enclosed roof it would look much larger.

Motion to Approve the Application:

OFFER: Behrens

SECOND: McGarry

AFFIRMATIVE: None

NEGATIVE: Bennett, McGarry, Behrens, Burry, Yodakis, Sobieski and Wagar

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Behrens at 9:30 p.m. to adjourn the meeting, seconded by Mr. Yodakis and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on August 19, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 16, 2004.

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