

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 18, 2005 AT 8:00 P.M.**

Ms. McGarry 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: McGarry, Burry, Barnett, Bennett, Wagar, Goubeaud and Saavedra

Absent: Sobieski and Yodakis

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

Approval of Minutes

Motion to Approve the Minutes of July 21, 2005:

OFFER: Wagar

SECOND: Saavedra

AFFIRMATIVE: Burry, Barnett, Wagar and Saavedra

NEGATIVE: None

RESOLUTIONS:

Application ZB682 – Sager – Block 44.01, Lot 4.01 – 181 Five Points Road

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Barnett

AFFIRMATIVE: Burry, Barnett, Wagar and Saavedra

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Burry

AFFIRMATIVE: Burry, Barnett, Wagar and Saavedra

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Burry

AFFIRMATIVE: Burry, Barnett, Wagar and Saavedra

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Saavedra

SECOND: Burry

AFFIRMATIVE: Burry, Barnett, Wagar and Saavedra

NEGATIVE: None

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

Memorialization of Resolution granting approval to construct a one story addition. 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.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Burry

AFFIRMATIVE: Burry, Barnett, Wagar and Saavedra

NEGATIVE: None

ADMINISTRATIVE ITEMS:

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

Request for a one year extension of time to the approved variances. The extension will begin August 19, 2005 and expire August 19, 2006.

The original applicant has recently sold the property and the new property owners are requesting an extension to the approved variances. Mr. Anfuso confirmed that there have not been any changes to the ordinances that would effect this application.

Motion to Approve the Extension of Time:

OFFER: Wagar

SECOND: Burry

AFFIRMATIVE: McGarry, Burry, Barnett, Bennett, Wagar, Goubeaud and Saavedra

NEGATIVE: None

Application ZB615 – Marvin – Block 22.07, Lot 1 – 111 Montrose Road

Request for two one year extensions of time to the approved variances. The extensions will begin August 21, 2004 and expire August 21, 2006.

Due to financial issues the applicants were unable to start construction of a variance that was granted August 2003. The Marvin’s are now able to begin however a variance is only good for one year, they are requesting two one-year extensions. Mr. Anfuso confirmed that there have not been any changes to the ordinance that would effect this application.

Motion to Approve the Extension of Time:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: McGarry, Burry, Barnett, Bennett, Wagar, Goubeaud and Saavedra

NEGATIVE: None

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

Request for a second one year extension of time to the approved variances. The extension will begin September 18, 2005 and expire September 18, 2006.

Due to the builders schedule, the applicants have not been able start construction yet. Mr. Anfuso confirmed that there have not been any changes to the ordinance that would effect this application.

Motion to Approve the Extension of Time:

OFFER: Saavedra

SECOND: Burry

AFFIRMATIVE: McGarry, Burry, Barnett, Bennett, Wagar, Goubeaud and Saavedra

NEGATIVE: None

APPLICATIONS: Old Business:

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 building separation of 14’ from the house and 19’ from the deck where 20’ is required.

Mr. Caputo had two new exhibits – revised pool layout and a new zoning review. The pool has been shrunk and rotated which eliminates the side yard variance that was previously sought. This however requires a new variance – the building separation. Mr. Caputo renoticed for the new variance. Open to the public with no comments.

The Board commended the applicant for eliminating the side yard setback. The Board stipulated that the applicant needed to demonstrate that the pool could not encroach into a freshwater wetland or buffer.

Motion to Approve the Application:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: McGarry, Burry, Barnett, Wagar and Saavedra

NEGATIVE: None

APPLICATIONS: New Business

Application ZB692 – Hodgins – Block 1, Lot 35 – 68 Glenwood Road

Application to construct a one story 13' x 13' mud room to an existing single family dwelling. Variances are required to permit a front yard setback of 65.5' where 75' is required and 68.8' currently exists and a building coverage of 7.5% where 6% is the maximum permitted and 7.2% currently exist.

Phillip and Annbritt Hodgins, applicants both sworn. Five items were marked as exhibits – zoning review, application, site plan, Fire Prevention Bureau report and Architectural Review report. Mr. Hodgins explained that they purchased this home five years ago and received a variance to exceed the building coverage. At that time they had one child and now they have three. The purpose of the addition is to put a mud room/laundry room on the first floor, adjacent to the kitchen. The laundry room is currently in the basement with the only access through the garage. Open to the public with no comment.

The Board was very concerned with granting a second variance for building coverage and thought that there may be other alternatives. The applicant requested this application be carried to explore any other possibilities.

This application is carried to the September 15, 2005 meeting with no further notice.

Application ZB695 – Burns – Block 21, Lot 3.06 – 22 Fireside Drive

Application to construct an addition to a single family dwelling. A variance is required to permit a front yard setback of 78' where 82' is required and 78' currently exist.

Nancy Burns, applicant and Christine Balint, architect both sworn. Six items were marked as exhibits – zoning review, application, survey, architectural elevation, Fire Prevention Bureau report and Architectural Review report.

Ms. Balint explained that the actual width of the home is 68' and with the addition is 92.06'. Since the home is on a cul-de-sac it is measured by the projection to the road which makes the calculations exceed 90' in width. Open to the public with no comment.

The Board felt that the way the ordinance measures the width of the home is a hardship to the applicant. The applicant did not exceed either the building or lot coverage.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Goubeaud

AFFIRMATIVE: McGarry, Burry, Barnett, Bennett, Wagar, Goubeaud and Saavedra

NEGATIVE: None

Application ZB696 – Kilmnick – Block 40.02, Lot 3 – 10 Privet Lane

Application to renovate and construct an addition to an existing single family dwelling. Variances are required for a front yard setback of 70' where 75' is required and a 7% building coverage where 6.6% is the maximum permitted.

Randi and Michael Kilmnick, applicants – both sworn. Six items were marked as exhibits – zoning review, application, survey, elevation/floor plans, Fire Prevention Bureau report and a series of four photos. Mr. Kilmnick explained that they wish to construct a portico over the front door for protection from the weather and to enhance the aesthetics of the home. They also wish to enlarge an existing three season room and make it into a family room with heat. Open to the public. Patrick Boag, 41 County Road East – sworn. Mr. Boag felt they were making something nice out of something that is already existing and very old, they were making it better.

The proposed house is 3,318 s.f. on an undersized lot surrounded by 6,000 s.f. homes. The Board felt that the addition to this home would look in character with the neighborhood and the addition would be in the rear of the home, not visible to neighbors.

Motion to Approve the Application:

OFFER: Barnett

SECOND: McGarry

AFFIRMATIVE: McGarry, Burry, Barnett, Bennett, Wagar, Goubeaud and Saavedra

NEGATIVE: None

DISCUSSION ITEMS:

Chairman Christina McGarry told the Board that this would be her last meeting after nine years serving the Board. Her family will be moving within the next few months. The members thanked Ms. McGarry for serving the Board for so many years and wished her well.

The consensus of the Board was to move up Mr. Burry to Chairman, Ed Sobieski to Vice Chairman and Pete Wagar as Secretary.

The Board questioned Mr. Steib, Esq. regarding the new Statute mandating education for Board members. Mr. Steib, Esq. confirmed the Statute does require education, however there is no agenda at this time.

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 August 18, 2005 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 15, 2005.

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