

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
AUGUST 16, 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, Barnett, Burry, Wagar, Goubeaud and Saavedra

ABSENT: Yodakis, Bennett, Karch

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

**Approval of Minutes**

Motion to Approve the Minutes of July 19, 2007:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Sobieski, Barnett, Burry, Wagar, Goubeaud and Saavedra

NEGATIVE: None

**RESOLUTIONS:**

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

Memorialization of resolution denying a request to retain the second floor joists 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.

Motion to Memorialize the Resolution:

OFFER: Saavedra

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Goubeaud and Saavedra

NEGATIVE: None

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

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

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Wagar

AFFIRMATIVE: Sobieski, Barnett, Burry and Wagar

NEGATIVE: None

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

Memorialization of resolution granting approval to construct a one story addition and wood decks to the rear of a single family dwelling. Variance is required to permit a rear setback of 50' where 59' is required.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Burry

AFFIRMATIVE: Barnett, Burry, Wagar and Goubeaud

NEGATIVE: None

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Sobieski, Barnett, Burry, Goubeaud and Saavedra

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**Application ZB600 – Sunoco Gas Station/Josam Company, Inc. – Block 48, Lot 38 – 77 Route 34 South**

Request for a third one year extension of time to the Preliminary & Final Major Site Plan and Use Variance Approval. The extension will begin on August 21, 2007 and expire August 21, 2008.

The Board questioned why a third extension is being asked for. Sam Raygorodsky, applicant – sworn. Mr. Raygorodsky stated that they do not own the property they lease it. The property owner is difficult to work with and keeps changing his mind. They would like to keep the approval alive while they still try to get the owners approval.

The Board has some concerns because the business zone has changed dramatically since this approval was first given. Mr. Anfuso confirmed that there have not been any changes to the ordinance that would effect this application. He did state that new Stormwater Management Regulations would be in effect if they came back for a new application.

Motion to Approve the Extension of Time:

OFFER: Burry

SECOND: Saavedra

AFFIRMATIVE: Sobieski, Burry, Wagar and Saavedra

NEGATIVE: Barnett and Goubeaud

**APPLICATIONS: Old Business**

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

Application to modify and reduce the side porch constructed to a single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 7% where 6.6% is the maximum permitted and 7.16% currently exists.

Rocco LoBraico, applicant and Mike Jaeger, Architect – both sworn. Three new items were marked as exhibits – a revised plan with photo, zoning review and Architectural Review report.

Mr. Jaeger reviewed the revised plan stating they are proposing to cut the overhang back 2’ 9”. This is the maximum it can be reduced to tie in the two roof lines that do not line up. By doing this they will still be 232 s.f. over in building coverage, however it is due to the open porch.

Open to the public with no comments. The Board appreciated all the work the applicant has done to reduce building coverage and still be able to architecturally and structurally get what he needs. The Board did make a condition of approval the porch can not become enclosed.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

AFFIRMATIVE: Barnett, Burry, Wagar, Goubeaud and Saavedra

NEGATIVE: None

**APPLICATIONS: New Business:**

**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 3.6’ where 50’ is required.

Cheryl Hammel, Esq. represented the applicant. George Buhler, applicant – sworn. Nine items were marked as exhibits – zoning review, application, Board of Health approval, survey, elevation/floor plan, revised survey, zoning review, Architectural Review comments and a series of 15 photos.

Ms. Hammel, Esq. told the Board the applicant is acting in good faith and came to the Township on his own, please consider the circumstances. Mr. Buhler explained his oil tank has been in its current location, four feet from the side property line, for about five years. He would put a tarp like cover over it to protect it during the winter months. He got married a few months ago and while he was away for his honeymoon his grandchildren surprised him by building a shed enclosing the oil tank with some extra room for storage. As the pictures show, there is evergreen and forest trees between the property lines.

Open to the public. Paul Urbania, Esq. represented Barbara Carr, the adjoining property owner. Mr. Urbania had two photos he had marked as exhibits showing the shed and tank from Ms. Carr’s property. Mr. Urbania stated Ms. Carr was not pleased with the shed and felt it was intrusive.

The Board was torn, they felt bad for the applicant understanding he did not intentionally build this in violation. Although it was too close to the property line, it was aesthetically an improvement to what was previously there and is permitted to remain. However, the neighbor felt the shed was intrusive.

The Board felt Mr. Buhler may be able to make it smaller, only covering the oil tank. Mr. Buhler found the situation very stressful and did not feel he would be able to appease the neighbor and asked the Board to vote on the application as is.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

AFFIRMATIVE: Burry and Saavedra

NEGATIVE: Sobieski, Barnett, Wagar and Goubeaud

**Application ZB763 – Fierro – Block 12, Lot 30 – 132 Heulitt Road**

Application to construct a pool cabana. A variance is required to permit a total lot coverage of 21.3% where 20% is the maximum permitted.

The applicant sent a letter stating they are on vacation this week and asked the application be carried to the next meeting. This application is carried to the September 20, 2007 meeting with no further notice.

**Application ZB764 – Imbesi – Block 3, Lot 19 – 15 Saddle Ridge Road**

Application to construct an addition to the rear of home and front porch. A variance is required to permit a building separation of 18' where 20' is required and a building coverage of 7% where 6% is the maximum permitted.

Michelle and Joseph Imbesi, applicants, and Arthur Henn and Irwin Mastermone, Architects – all sworn. The Imbesi's moved in this home 5 ½ years ago that they love, however with three boys and no basement they need more space. They feel the most economical way for them to get more space is to add onto existing rooms verse finishing the second floor which they use as a play room. Open to the public. Jarrett Engle, 16 Saddle Ridge – sworn. Mr. Engel stated the improvements can only beautify the neighborhood. The Imbesi's home is on a curve so you can see the whole house from the street, the proposal is very beautiful.

The Board agreed the design of the home was beautiful but they were way over in coverage, a full percent. The Imbesi's asked to carry this application to the next meeting. This application is carried to the September 20, 2007 meeting with no further notice.

**Mr. Wagar left the meeting.**

**Application ZB762 – Ferialito – Block 51, Lot 2.01 – Route 537**

Application to retain a single family dwelling, driveway, patios and walkways. A variance is required to permit a total lot coverage of 16.73% where 15% is the maximum permitted.

John Giunco, Esq. represented the applicant. Nine items were marked as exhibits – zoning review, application, record drawing, Board of Health approval, Architectural Review Committee comments, mounted Minor Subdivision plans, mounted color rendering drawing, aerial photo and a photo board with twelve mounted photos.

Mr. Giunco explained this property abuts Due Process Golf Course which is over 300 acres. Mr. Ferialito is partial owner of the golf course and could subdivide the property to eliminate the variance required, however the other partner of the golf course was in a similar situation and went in front of the

Planning Board for a subdivision and the Board opted to grant a variance in lieu of the granting the subdivision.

Andrew Janiw, Planner – sworn. Mr. Janiw explained the house is set back 257' from the street requiring a longer driveway causing more coverage; it is actually 5% of the lot coverage. Photos were shown depicting gardens with 1000 s.f. of walking paths. The home can not be seen from Route 537 nor can any of the improvements.

Mr. Janiw stated this is a very unique situation. This can not cause any detriment to neighboring properties, and any possible runoff from this property would actually be good for the golf course. This meets the intent of the Master Plan keeping the rural character of the Township.

Open to the public with no comments. The Board agreed this was a unique situation with the gardens and driveway; they agreed it helped preserve the rural character of the area.

Motion to Approve the Application:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Sobieski, Barnett, Burry, Goubeaud and Saavedra

NEGATIVE: None

### **DISCUSSION ITEMS:**

Mr. Anfuso advised the Board the Township has hired someone that measures the location of new construction making sure things are built in the correct location. He has already found two violations.

### **EXECUTIVE SESSION**

None

### **MOTION TO ADJOURN**

A motion was made by Mr. Burry at 10:45 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 16, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 20, 2007.

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