

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 28, 2003 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, McGarry, Barnett, Behrens, Burry, Yodakis, Megerle and Wager

ABSENT: Sobieski

ALSO PRESENT: Michael Steib, Esq., Timothy Anfusio, P.P. and Ruth Leininger

Chairman Bennett also announced that application ZB608, Pasquale asked to be carried. That application will be carried to September 18, 2003 with no further notice.

Approval of Minutes

Motion to Approve the Minutes of July 17, 2003:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Megerle and Wagar

NEGATIVE: None

RESOLUTIONS:

Application #ZB600 – Sunoco Gas Station – Block 48, Lot 38 – Route 34

Memorialization of Resolution granting approval for a Use Variance as well as Preliminary and Final Major Site Plan approval, with variances. The applicant proposes to convert the existing four bay garage into a convenience store and install a second diesel pump canopy. A use variance is required since the application does not meet all conditional use provisions pertaining solely to service stations.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Megerle and Wagar

NEGATIVE: None

Application ZB613 – Angeliki Morfogen – Block 11, Lot 3.02 – 151 Dutch Lane Road

Memorialization of Resolution granting approval to construct an addition to a single family dwelling. Variances are required to permit a front setback from Boundary Road of 172' where 200' is required and 202' currently exists and to permit 65' from Dutch Lane Road where 200' is required and 54.02' currently exists.

Motion to Approve the Resolution:

OFFER: McGarry

SECOND: Burry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry and Megerle

NEGATIVE: None

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

Memorialization of Resolution granting approval to construct a two story addition to the side of the house (18' x 28') and a one story addition to the rear of the home. Variances are required to permit a front setback of 76' from Montrose where 83.5' is required and 76' currently exists.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

ADMINISTRATIVE:

Application ZB542 – Loshiavo – Block 16, Lot 33.18 – 7 Shadowbrook Drive

Request for a second one year extension of time to the approved variance. The extension will begin October 18, 2003 and expire on October 18, 2004.

Mrs. Loshiavo was in attendance and explained to the Board that due to health problems of the architect, the project had been delayed. They are scheduled to start in October, however to protect themselves they are asking for an extension. The Board agreed but stipulated that this would be the final extension that would be granted.

Motion to Approve A Final Extension of Time:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Megerle

NEGATIVE: None

APPLICATIONS: Old Business:

Application ZB608 – Pasquale – Block 7.20, Lot 11 - 47 Mulberry Lane

Application to retain an existing raised patio in the A-2 Zone. A variance is required to permit a front yard setback of 60' where 75' is required. Time to October 31, 2003

This application was carried to the September 18, 2003 meeting with no further notice.

Application ZB612 –Manzo – Block 21.06, Lot 1 – 2 Saratoga Drive

Application for an interpretation of the Zoning Ordinance to determine if building permits can be issued for a second story addition to the existing single family dwelling without variance approval. In the alternative, the applicant seeks the appropriate variances determined by the Board which may include a front setback of 72’ where 115’ is required, side setback of 46’ where 80’ is required, separation between the pond and addition of 10’ where 20’ is required, building coverage of 9.3% where 6.6% is the maximum permitted and total lot coverage of 28% where 20% is the maximum permitted.

Joseph Youssouf, Esq. represented the applicant. Two new items were marked as exhibits – a letter from Mr. Fiori and revised plans. Alan Manzo, applicant and Roy Quakenbush, Architect – both sworn.

Mr. Quakenbush told the Board that the plans have been revised taking off approximately 500 s.f. from the home and 1300 s.f. from the deck and the koi pond has been removed eliminating that variance. They have reduced the building coverage to 7.73% where 6.6% is required and the total lot coverage to 23% where 20% is required. Tim Anfusio, Zoning Officer was sworn and confirmed the calculations.

Open to the public with no comments. The Board was concerned with the home being much larger than the homes on Saratoga. The applicant stated that no work is being done on the side of the home facing Saratoga except for siding. The Board agreed that the property owner had a hardship with a pre-existing nonconforming corner lot, however some members felt the lot was overbuilt. The Board appreciated the applicants efforts of substantially reducing the building and lot coverage.

Motion to Approve the Application:

OFFER: McGarry

SECOND: Barnett

AFFIRMATIVE: Bennett, Barnett, Behrens and Wagar

NEGATIVE: McGarry, Burry and Megerle

APPLICATIONS: New Business

Application ZB614 – Simon – Block 29, Lot 14.10 – 18 Shady Tree Lane

Application to construct a pool cabana in the A-1 Zone. A variance is required to permit a rear setback of 11’ where 15’ is required.

Julie Simon, applicant – sworn. Albert Simon, retired Planner – sworn. Seven items were marked as exhibits – the zoning review, application, survey plan, elevations of pool cabana, Architectural Review report, Fire Prevention report and photo of the patio.

Mr. Simon explained to the Board that the applicant wished to abut the pool cabana to the existing pool decking. They feel that the construction would be much easier this way. Mike Simon, applicant – sworn. Mr. Simon told the Board that the architect had wanted the cabana centered, however they have amended this and only seek a variance for 4’. Open to the public with no comments.

The Board could not see any justification for this variance, the cabana could be placed in numerous conforming locations on the property.

Motion to Approve the Application:

OFFER: Behrens

SECOND: Barnett

AFFIRMATIVE: None

NEGATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Megerle

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

Application to construct an addition to a single family dwelling in the A-1 Zone. A variance is required to permit a front setback of 58' where 75' is required and 24' currently exists.

Patrick Boag, applicant and Chris Rice, Architect – both sworn. Five items were marked as exhibits – zoning review, application, site plan with elevations, Architectural Review report and Fire Prevention report.

Mr. Boag told the Board that the home is a 150 year old home with three bedrooms and a 10' x 10' kitchen. They have four children and need more space. Mr. Rice explained the addition to the Board which will be in character with the current architecture of the home. The current home is entirely within the front setback at present, so any addition would need a variance. Open to the public with no comments. The Board understood the applicant's predicament and felt the architecture was very pleasing.

Motion to Approve the Application:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Megerle

NEGATIVE: None

Application ZB617 –Napoliello – Block 16, Lot 34 – One Indian Trail

Application to construct a two story addition to a single family dwelling in the A-1 Zone. A variance is required to permit a front setback of 68' where 75' is required and 65.7' currently exists.

Richard Napoliello, Jr., applicant – sworn. Mr. Napoliello explained to the Board that his home is 250 years old. Because he is on a corner lot he has difficulty meeting one of the front setbacks. He does not want to move the addition because there is a large 200 year old Chestnut tree that he is trying to save. The only portion that is in violation is where the stairs will be placed to go up to the second story.

The Board felt that this was a deminimus request and saving the tree and character of the old home was very worthwhile.

Motion to Approve the Application:

OFFER: McGarry

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Megerle

NEGATIVE: None

Application ZB618 – DeSave – Block 22, Lot 10.11 – 13 Driftwood Lane

Application to construct a second story addition over an existing garage. A variance is required to permit a side yard setback of 66' where 92' is required and 66' currently exists.

Gregory DeSaye, applicant – sworn. Five items were marked as exhibits – zoning review, subdivision plat of Driftwood Estates, architectural elevations and Fire Marshall report.

Mr. DeSaye explained to the Board that a need has arisen for his 75 year old mother in-law to move in with them. She is currently staying in a guest room, but she needs more privacy. They wish to construct a suite that can accommodate her needs. However, due to the 90' rule which was not in effect when his home was built a variance is required. The addition is proposed to go over an existing garage and would be accessed from inside the home.

Open to the public with no comments. It was clarified that the suite would not have a full kitchen (cooking) and a condition of approval was that this could not be converted to an apartment in the future.

Motion to Approve the Application:

OFFER: Burry

SECOND: Behrens

AFFIRMATIVE: Bennett, McGarry, Behrens, Burry, Yodakis and Megerle

NEGATIVE: Barnett

EXECUTIVE SESSION

A motion was made by Mr. Burry to go into Executive Session to discuss matters of litigation and/or personnel seconded by Mr. Behrens and unanimously carried.

DISCUSSION ITEMS:

The Board discussed the relevancy of review letters received from outside agencies. Mr. Steib clarified that they were advisory and not binding. Discussion also ensued of ways to educate the public regarding zoning issues to avoid potential problems.

MOTION TO ADJOURN

A motion was made by Ms. Barnett to adjourn the meeting at 10:35 p.m., seconded by Mr. Sobieski 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 28, 2003 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 16, 2003.

Bernie Behrens, Secretary
Board of Adjustment of the
Township of Colts Neck

