

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
SEPTEMBER 16, 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, McGarry, Barnett, Burry, Yodakis, Sobieski and Goubeaud

Absent: Behrens and Wagar

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

Approval of Minutes

Motion to Approve the Minutes of August 19, 2004:

OFFER: Yodakis

SECOND: Burry

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis, Sobieski and Goubeaud

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution granting a three year retroactive extension of time to the approved variances. The extension will begin June 21, 2002 expire June 21, 2005.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Sobieski

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis and Sobieski

NEGATIVE: None

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

Memorialization of Resolution granting 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 Resolution:

OFFER: McGarry

SECOND: Burry

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis and Sobieski

NEGATIVE: None

Application ZB650 – Macnow – Block 16, Lot 33.12 – 14 Homestead Lane

Memorialization of Resolution granting approval 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.

Motion to Approve the Resolution:

OFFER: Sobieski
SECOND: McGarry
AFFIRMATIVE: Bennett, McGarry, Burry and Sobieski
NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Approve the Resolution:

OFFER: Burry
SECOND: McGarry
AFFIRMATIVE: Bennett, McGarry, Burry and Sobieski
NEGATIVE: None

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

Memorialization of Resolution denying approval 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.

Motion to Approve the Resolution:

OFFER: Burry
SECOND: Sobieski
AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis and Sobieski
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 applicant’s attorney requesting a withdrawal of this application. However, the letter referenced Due Process Golf and Horse Stables, LLC and not Due Process Realty Group. There was no one in attendance representing the applicant to clarify this. The Planner had written a letter to the applicant, at the request of the Board, stating that if they did not proceed with this application in September the Board would dismiss the application. Therefore the Board chose to dismiss this application without prejudice so that there would not be any confusion.

Motion to Dismiss the Application Without Prejudice:

OFFER: Sobieski

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Burry, Yodakis, Sobieski and Goubeaud

NEGATIVE: None

APPLICATIONS: New Business

Application ZB653 – Bryce – Block 21, Lot 2 – 585 Lovett Road

Application to permit an addition to a single family dwelling. Variances are required to permit a front setback of 84.75' where 89' is required and 79.3' currently exists and a side setback of 41.7' where 54' is required and 52' currently exists.

Lauren Bryce and Richard Manhire, applicants – both sworn. Five items were marked as exhibits – application, plot plan, elevation, zoning review and Architectural Review report. It was stated that the applicants recently purchased this home that was always used as a rental property, thus the home and property require quite a bit of maintenance. The home is currently a three bedroom home, since they have three children they would like to add two bedrooms, a third bay for the garage and a family room. The property has many constraints since it is a corner lot, has a sharp grade along Phalanx Road and also has a brook running through the middle of it. There is heavy screening between the properties and a greenway.

Open to the public with no comments. Several Board members agreed that there is a hardship with this lot to try and put any type of addition. It was agreed that the improvements that are being proposed for this home will be an improvement to the neighborhood.

Motion to Approve the Application:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Burry, Yodakis, Sobieski and Goubeaud

NEGATIVE: None

Application ZB655 – Abutel – Block 13, Lot 9 – 45 Ann Street

Application to construct a new uncovered front porch, add a second story addition, remove a portion of the existing driveway and enlarge another portion of the driveway. Variances are required to permit a front setback of 41.8' where 75' are required and 41.8' currently exists, a side setback of 28.2' where 30' are required and 28.2' currently exists, a building coverage of 8.4% where 6.6% is the maximum permitted and 8.4% currently exists and a total lot coverage of 23.4% where 20% is the maximum permitted.

This applicant's service was defective and must renote. They are rescheduled for the October 21, 2004 meeting.

Application ZB656 – Flood – Block 34, Lot 3.10 – 34 Raven Road

Application to construct a two story addition to an existing single family dwelling. Variances are required to permit a front setback of 79.76' and 82' where 87' are required and 79.76' currently exist and a side setback of 44.76' where 52' are required and 44.76' currently exists.

Donna and Robert Flood, applicants – both sworn. Six items were marked as exhibits – zoning review, application, photo of front of home, plot plan, elevation and report from Architectural Review Committee. The applicants stated that they moved to Colts Neck 14 years ago and have three children who are all grown but frequently visit with the grandchildren. They want to add a guest room, great room along with a kitchen/service area. The service area is adjacent to the pool and the only access into the home from the backyard.

Open to the public. Elizabeth Wilson, 38 Raven Road – sworn. Ms. Wilson is the adjoining property owner on the side of the proposed addition. Ms. Wilson is concerned with the addition coming close to her property line, but mostly is concerned that the layout of the addition is like an apartment. She is concerned with the home becoming a multifamily dwelling. The Board reviewed the architectural plans and had the same concerns. The applicant asked to carry this application to the October meeting to revise their plans.

This application is carried to the October 21, 2004 meeting with no further notice.

Application ZB658 – Galloping Hills @ Colts Neck – Block 40, Lot 1.02

Application to retain a single family dwelling foundation rear yard setback of 49.3’ where 50’ is required and a side yard setback of 39.1’ where 40’ is required.

Brian Harvey, Esq. represented the applicant. Four items were marked as exhibits – zoning review, application, foundation location, board with four photos, tax map and survey and final plat on the back.

A.J. Garito, Engineer – sworn. Mr. Garito explained that during the pouring of the foundation an error was made by the mason causing the two corners to be within the setbacks. The rear corner is encroaches the setback by 8.4” and the side by 11”. The building envelope for this lot is very small due to the configuration of the lot, but it has a 25’ wide landscape easement surrounding the back and side where the violation occurs which buffers the adjoining neighbors.

Open to the public with no comments. The Board felt that the error was de minimus, however it should be disclosed to the prospective buyer as well as be noted on the deed for any future owners to be aware that the home is in a nonconforming location.

Motion to Approve the Application:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Bennett, McGarry, Barnett, Burry, Yodakis, Sobieski and Goubeaud

NEGATIVE: None

Application ZB657 – Maguire – Block 6, Lot 9.20 – 11 Birch Lane

Application to construct an addition to an existing single family dwelling. Variances are required to permit a front setback of 76’ where 83’ are required and 78’ currently exists and a maximum building coverage of 6.8% where 6% is permitted.

Steve and Laura Maguire, applicants – sworn. Five items were marked as exhibits – zoning review, application, site plan with elevations, Architectural Review Report and elevation plans.

Ms. Maguire explained that they have four children and need more room. They looked into purchasing a new home but they found it to be more feasible to put an addition onto their existing home. A pool in the rear yard prohibits them from going back.

Open to the public. Jeff Anderson, 15 Birch Lane – sworn. Mr. Anderson stated that his property neighbors the Maguire's on the side where the proposed addition is. His concern is that the driveway will be coming approximately 30' closer to the property line. There is no regulation on how far away a driveway must be from a property line, but the applicant agreed that they would buffer that area so that the car lights would not shine into the Anderson's home.

The Board was very concerned with the building coverage and felt that .8% was too much to approve. The applicant requested to be carried to the next meeting so that they can revise the plans.

This application is carried to the October 21, 2004 meeting with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. McGarry at 9:50 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 September 16, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 21, 2004.

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