

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
SEPTEMBER 20, 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, Yodakis, Barnett, Bennett, Karch (15 minutes late) and Goubeaud

ABSENT: Burry, Wagar and Saavedra

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

**Approval of Minutes**

Motion to Approve the Minutes of August 16, 2007:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Barnett and Goubeaud

NEGATIVE: None

**RESOLUTIONS:**

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

Memorialization of resolution granting 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.

Motion to Memorialize the Resolution:

OFFER: Sobieski

SECOND: Goubeaud

AFFIRMATIVE: Sobieski

NEGATIVE: None

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Goubeaud

SECOND: Barnett

AFFIRMATIVE: Sobieski, Barnett and Goubeaud

NEGATIVE: None

**Application ZB761 – Buhler – Block 43, Lot 8.01 – 120 Matthews Road**

Memorialization of resolution denying a request 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.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Barnett and Goubeaud

NEGATIVE: None

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Barnett and Goubeaud

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business**

**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.

A letter was received from the applicant stating they were having their plans revised but they were not complete yet and asked to be carried to the October meeting. This application is carried to October 18, 2007 with no further notice.

**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.

Mark and Lisa Lefkowitz, applicant and A.J. Garito, Engineer – all sworn. Eight items were marked as exhibits – zoning review, application, survey, architectural plans, Architectural Review report, blowup of tax map, color rendering of property with two photos on the back and a photoboard with eight photos.

Mr. Garito explained the property currently has a lot coverage of 20.67% which is more than what is permitted. In order to limit the amount of coverage to be added, they are proposing to build 300 s.f. of

the 900 s.f. cabana over existing patio. There is heavy mature vegetation buffering the cabana from neighboring properties. Mrs. Lefkowitz stated she used English garden type landscaping which uses a lot of pavers with grass growing through and this is counted as lot coverage.

The cabana will be used for entertaining and will have heat and air conditioning. The architectural plans have changed since the original submission and now will not have a basement. Open to the public with no comments.

The Board felt the applicant could do more to reduce coverage. They also wanted to review the revised plans of the cabana showing what they were actually proposing. This application is carried to the October 18, 2007 meeting with no further notice.

**APPLICATIONS: New Business:**

**Application ZB765 – Feury – Block 33, Lot 31.5 – 27 Hidden Pine Drive**

Application to construct a 12' x 14' wood deck in the A-1 Zone. A variance is required to permit a rear setback of 42' where 52' is required.

Robert Feury, applicant and Christopher Stone, Architect – both sworn. Five items were marked as exhibits – zoning review, application, site plan, photoboard with three photos and a sketch of the proposed deck.

Mr. Stone told the Board the applicant faces a hardship to reconstruct a deck due to the irregular configuration of his lot. They recently did internal renovations to the home and during demolition also removed the old wooden deck that was falling apart. A separate accessory structure could be 15' from the rear property line since this property abuts greenways that are more than 50' in depth. Because the deck is attached to the home, the ordinance does not give a reduced setback. There are large pine trees so the deck is not visible to neighbors. Open to the public with no comments.

The Board agreed the applicant did have a hardship due to the shape of the property and the placement of the house. The fact that the property is heavily screened and abuts greenways made them feel comfortable. The plans showed a fireplace to be constructed on the deck and the Board wanted comments from the Fire Marshall as a condition of approval.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Sobieski, Yodakis, Barnett, Bennett, Karch and Goubeaud

NEGATIVE: None

**Application ZB768 – Lind – Block 29.07, Lot 3 – 4 Williamsburg South**

Application to construct an inground pool on an undersized lot in the A-1 Zone. A variance is required to permit a sideyard setback of 24' where 33' is required.

Jack Lind, applicant and Glen Newman, pool contractor – both sworn. Three items were marked as exhibits – zoning review, application and grading plan. Mr. Newman stated the applicant has a hardship due to the configuration of his property. The house is set back far leaving a small back yard. Electrical wires run across a portion of the yard - a pool can not be placed under wires and the septic is also on the eastern portion of the rear yard. Open to the public with no comments.

The Board was concerned with the pool being so close to an adjoining property however that property owner has a pool very close to the property line as well. Mr. Lind agreed to add buffering between properties to alleviate their concerns.

Motion to Approve the Application:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Sobieski, Barnett, Burry, Goubeaud and Saavedra

NEGATIVE: None

**DISCUSSION ITEMS:**

There was discussion regarding outdoor fireplaces on decks and patios. There was some concern regarding the effect this could have on neighbors. Mr. Anfuso stated they did have to meet accessory setbacks and the Fire Subcode Official would have to approve before a building permit could be issued.

There was a suggestion that accessory building height could be reduced to eliminate the chance that a second story could be added without permits. The Board agreed and this will be incorporated in the Year End Report to the Township Committee.

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Ms. Goubeaud at 9:35 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 September 20, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 18, 2007.

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