

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
OCTOBER 21, 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, Behrens, Burry, Yodakis, Sobieski, Wagar and Goubeaud

Absent: None

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

Approval of Minutes

Motion to Approve the Minutes of September 16, 2004:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

RESOLUTIONS:

Application ZB644 – Due Process Realty Group – Block 51, Lot 2.02 – Route 537

Memorialization of Resolution dismissing the application without prejudice.

Motion to Dismiss the Application Without Prejudice:

OFFER: Burry

SECOND: Yodakis

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

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

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

Memorialization of Resolution granting approval to retain a single family dwelling under construction with a rear yard setback of 49.3’ where 50’ is required and a side yard setback of 39.1’ where 40’ is required.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Application ZB619 – DeDea – Block 9, Lot 55 – 24 Pilgrim Way

Request for a one year extension of time to the approved variances. The extension will begin November 20, 2004 to expire November 20, 2005.

Mr. Anfuso confirmed to the Board that no zoning changes were adopted that would affect this application.

Motion to Approve the Extension of Time:

OFFER: McGarry

SECOND: Barnett

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

NEGATIVE: None

Application ZB577 – Bordone – Block 21.06, Lot 8 – Long Bridge Road

Request for a second one-year extension of time to the approved variances. The extension will begin October 17, 2004 and expire October 17, 2005.

Mr. Anfuso confirmed to the Board that there no zoning changes were adopted that would affect this application. The Board was concerned that this was the second extension of time the applicant requested. The Board understood the hardships the applicant has had and approved the extension however stipulated that no further extensions would be granted.

Motion to Approve the Extension of Time:

OFFER: Behrens

SECOND: Yodakis

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

NEGATIVE: None

APPLICATIONS: Old Business:

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

Request to withdraw application without prejudice.

Motion to Dismiss the Application Without Prejudice:

OFFER: Yodakis

SECOND: Barnett

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 79’ are required and 78’ currently exists and a maximum building coverage of 6.28% where 6% is the maximum permitted.

Two new items were marked as exhibits – revised elevation and architectural plans and a revised zoning review. Mr. Jim Collins, Esq. represented the applicants. Mr. Collins stated that the applicants have lived in this house for nine years and have four children and desperately need more space. They have taken comments from the last meeting and reduced the variance being sought from 6.8% to 6.28%, a deminimus amount. Open to the public with no comments. The Board commended the applicant on doing a good job in altering their plans.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Burry

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

NEGATIVE: None

APPLICATIONS: New Business

Application ZB655 – _____ – _____

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.

Eight items were marked as exhibits – application, plan of survey, elevation and floor plan, zoning review, architectural review report and three photos of the residence. Joseph Abutel – sworn.

Mr. Abutel explained to the Board he and his wife purchased this small starter home four years ago. They now have a young child and his wife is pregnant, they need more room. He was also looking for a way to utilize his front door by bringing his driveway up to the front. The Board sympathized with his problems and felt the variance needed to construct the addition was deminimus, but they had a hard time rationalizing the issue of total lot coverage for a new driveway. Open to the public with no comments.

Mr. Abutel amended his application to withdraw the request for the lot coverage variance for the driveway. Since his wife was pregnant, time was of the essence for him to start construction on the home before the baby arrives. The Board understood and felt this was a reasonable request.

Motion to Approve the Application:

OFFER: Barnett

SECOND: McGarry

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

NEGATIVE: None

Application ZB659 – Mellina – Block 7, Lot 4.2 – 3 Colts Gait Lane

Application to construct a pool cabana in the AG Zone. A variance is required to permit a total lot coverage of 10.5% where 10% is the maximum permitted.

Five items were marked as exhibits – application, zoning review, survey, architectural and elevations and a photoboard. Anthony Mellina – sworn. Mr. Mellina explained that the pool is 175’ from the house and they would like to construct a structure to get out of the sun and have a bathroom. There will not be heat or air conditioning, just a ceiling fan. The cabana will have three sides with an open air terrace and will not be visible from any of the neighbors. They also plan on constructing a paver walkway from the house. Open to the public with no comment.

The Board felt that due to the size of the property and the topography of the land this was not obtrusive.

Motion to Approve the Application:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

Application ZB660 – Yang – Block 48, Lot 23.17 – 2 Chukker Cove

Application to construct a pergola in the AG Zone. Variances are required to permit a side setback of 36’ where 50’ is required, a rear yard setback of 40’ where 50’ is required and a building separation of 7’ to the pool where 10’ is required.

Four items were marked as exhibits – zoning review, application, survey and architectural rendering. Dr. Kenneth Yang – sworn. Dr. Yang stated that a pool was constructed two years ago and they would now like to build an open structure for shade. The property juts out in the back corner and they feel this is the best location for it. Open to the public with no comment. The Board felt that maintaining the 10’ pool separation was imperative. The applicant agreed to maintain the 10’ separation between the pool and the pergola, however this would change the side setback to 33” where 50’ is required and rear setback to 37’ where 50’ is required. The Board agreed this would be preferable, however landscaping must be installed to screen this structure from the neighbors and the structure must remain an open structure. The applicant agreed to these conditions.

Motion to Approve the Application:

OFFER: McGarry

SECOND: Barnett

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

NEGATIVE: None

DISCUSSION ITEMS:

A discussion ensued to clarify the new ordinance for the height of piers. Mr. Anfuso explained the requirements for fences and walls have not changed. They are permitted and still remain at the maximum height of four feet in the front yard. What has changed is entrance piers, the permissible height of piers changed to 7’ if the pier is 30’ from the street.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 9:45 p.m. to adjourn the meeting, seconded by Ms. McGarry and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on October 21, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on November 18, 2004.

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