

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
OCTOBER 20, 2005 AT 8:00 P.M.**

Mr. Burry 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: Burry, Bennett, Sobieski, Wagar, Yodakis, Goubeaud and Saavedra

Absent: Barnett

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

Approval of Minutes

Motion to Approve the Minutes of September 15, 2005:

OFFER: Wagar

SECOND: Saavedra

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

NEGATIVE: None

RESOLUTIONS:

Application ZB569 – Cingular Wireless(AT&T Wireless) – Block 13, Lot 49 – Crine Road

Memorialization of resolution granting a one year extension of time to the approved Use Variance and Minor Site Plan. The extension will begin August 21, 2005 and will expire August 21, 2006.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Burry

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

NEGATIVE: None

Application ZB692 – Hodgins – Block 1, Lot 35 – 68 Glenwood Road

Memorialization of resolution denying approval to construct a one story 10'6" x 10'6" mudroom to an existing single family dwelling. Variances are required to permit a front yard setback of 67.3' where 75' is required and 67.3' currently exists and a building coverage of 7.38% where 6% is the maximum permitted and 7.2% currently exist.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Burry

AFFIRMATIVE: Burry, Bennett, Wagar, Goubeaud and Saavedra

NEGATIVE: None

Application ZB697 – Dritsas – Block 43.01, Lot 2 – 149 Five Point Road

Memorialization of resolution granting approval to construct a one story addition to an existing single family dwelling. A variance is required to permit total lot coverage of 24.7% where 20% is the maximum permitted and 23.6% currently exist.

Motion to Memorialize the Resolution:

OFFER: Wagar

SECOND: Yodakis

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Application ZB647 – Meridan Assisted Living – Block 46, Lot 17.4

Application for a one year extension of time to the approved sign variance. The extension will begin July 15, 2005 and expire July 15, 2006.

Peter Cappiello, Esq. represented the applicant. Tim Anfuso verified that there have been zoning changes that would effect this application.

Motion to Approve the Extension of Time:

OFFER: Wagar

SECOND: Saavedra

AFFIRMATIVE: Burry, Bennett, Sobieski, Wagar, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

APPLICATIONS: Old Business:

None

APPLICATIONS: New Business

Application ZB699 – Siciensky – Block 48, Lot 30 – 188 Route 537 East

Application to repair and rebuild front porch in the AG Zone. Variances are required to permit a front setback of 18’ where 200’ is required and 18’ currently exists and a side setback of 6’2” where 15’ is required and 6’2” currently exists.

Michael Steven Siciensky, applicant – sworn. Six items were marked as exhibits – application, zoning review, survey, elevation drawing, Board of Health report and Architectural Review report.

Mr. Siciensky explained that his front porch was in great disrepair and unsafe. He wants to construct a new porch in the exact same footprint as the existing, using similar materials. This is an old home that is completely built within the front yard setback, any addition would require a variance.

Open to the public with no comments. The Board felt this was a reasonable request, the applicant was merely correcting an unsafe condition that would be an asset to the home.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Saavedra

AFFIRMATIVE: Burry, Bennett, Sobieski, Wagar, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

Application ZB700 – Colts Neck Fire Company #2 – Block 8, Lot 10 – 50 Conover Road

Application to install a freestanding sign in the A-1 Zone. A variance is required to permit a freestanding sign area of 68 s.f. where 12 s.f. is the maximum permitted.

Pete Wagar recused himself. Five new items were marked as exhibits – zoning review, application, site plan, elevation drawing and mounted variance plan with two photographs. Richard Tilton, Esq. represented the Fire Company. A.J. Garito, Engineer – sworn.

Mr. Garito explained that the Fire Company wishes to install a sign that is 64 s.f. in area with a text area of 32 s.f. that will be backlit. The sign will have brick framing, consistent with the architecture of the building. Mr. Tilton, Esq. stated that the sign will be used for fire safety tips and concerns and would not be used for private advertising or hall functions.

Open to the public – Art Goodwin – sworn. Mr. Goodwin stated that similar signs are in adjoining towns such as Rumson, Spring Lake, etc. The purpose of the sign is to prevent tragedies in town by giving important fire safety tips.

The Board agreed that the sign would be an asset to the community and stipulated that the sign could only be used for fire safety tips and concerns.

Motion to Approve the Application:

OFFER: Burry

SECOND: Saavedra

AFFIRMATIVE: Burry, Sobieski, Yodakis, Goubeaud and Saavedra

NEGATIVE: Bennett

Application ZB694 – Ciccone – Block 13, Lot 26 – Heyers Mill Road

Application for an addition to a single family dwelling in the A-1 Zone. Variances are required to permit a side setback of 38.16' where 40' is required, building coverage of 9.69% where 6.6% is the maximum and total lot coverage of 20.72% where 20% is the maximum permitted.

Mr. Todd Cohen, Esq. represented the applicant. Laura Ciccone, applicant – sworn. Eight items were marked as exhibits – zoning review, application, site plan, elevation & floor plan, Architectural Review report, two framed newspaper articles and a series of five photographs.

Ms. Ciccone stated that she purchased this home in 2002 and has totally renovated it. The house is a ranch, however in order for Ms. Ciccone to live in the home during renovations the attic area was renovated into living area categorizing it as a two story dwelling and exceeding building coverage. The purpose of this new addition is to enable Ms. Ciccone's parents to live with her. They are not able to utilize stairs, making a second story addition not an option.

Open to the public with no comments. The Board felt the applicant was asking for a significant variance for building coverage. Although the Board understood the hardship of accommodating her

parents, it seemed that the plans could be amended to reduce the building coverage and still meet their needs.

The applicant requested this application be carried so they can rework the plans. The applicant gave an extension of time to December 30, 2005. This application is carried to the December 15, 2005 meeting with no further notice.

Application ZB698 – Schwartz – Block 15, Lot 1.01 - Route 34

Application for a Use Variance to construct a 3,200 s.f. commercial building in the A-1, Agricultural/Residential Zone.

Chairman Burry recused himself from this application and turned the meeting over to Vice-Chairman Sobieski. Ten items were marked as exhibits – application, concept plan, Township Engineer’s review, Township Planner’s review, Environmental Commission review, color concept plan, tax map and mounted elevations of front, side and rear of proposed building.

Fred Neiman, Esq. represented the applicant. Gwen Schwartz, contract purchaser and applicant, A.J. Garito, Engineer and Ed O’Neill, architect all sworn. Mr. Garito explained that since the 1920’s this property has been used as some type of commercial use, surrounding properties are commercial as well. The property is approximately ½ acre located on Route 34, which is a major arterial road. Due to the size and unique shape of the property as well as conservation easement limitations, they feel this is the best use for the property. Open to the public – Ed Pietrowski – sworn. Mr. Pietrowski stated that years ago the gas station wanted to expand and was not allowed to. He felt that by approving this application it would be setting a precedent for the surrounding properties. It was also his opinion that the building was much too large for the lot.

Ed O’Neill – architect described the current building as a 200 s.f. concrete block building with a gravel parking lot. He designed an “L” Shape building so that it could be buffered and made to appear smaller. He stated that the 1600 s.f. footprint is much smaller than homes in the vicinity.

Ms. Schwartz stated that her mother has rented this building for her real estate office since 1976. The building can not support several agents, phones, fax machines, etc. that is required for modern real estate offices. The new building will be exclusively for Showcase Realtors, they will not be renting out any space. Open to the public. Ed Pietrowski – sworn. Mr. Pietrowski questioned why they need such a large building when many other real estate agencies in town had small spaces. He again felt that if this were permitted, it would set a precedent. Arnold Petty – sworn. Mr. Petty stated that Gwen Schwartz was his daughter and he felt the building would be an asset to the area, much more appealing than the existing building. Diana Pietrowski – sworn. Ms. Pietrowski stated that it was the Board’s decision if they wanted to expand the commercial district by allowing an expansion of a non-conforming use.

Mr. Anfuso made note to the Board that when this property was subdivided back in 1986 this lot was intentionally made small so that future commercial expansions would be limited. The Board felt that it was the intent of the Master Plan not to increase the commercial zone and they should respect the Township Committee’s wishes.

Mr. Nieman, Esq. requested this application be withdrawn.

Motion to Withdraw the Application:

OFFER: Yodakis

SECOND: Saavedra

AFFIRMATIVE: Bennett, Sobieski, Wagar, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

Application ZB701 – Moran – Block 7.20, Lot 17 – 53 Laurelwood Drive

Application to construct an inground pool and patio additions in the A-2 Zone. Variances are required to permit a building separation of 10' to the patio and 13' to the porch where 20' is required.

Marc Moran, applicant and A.J. Garito, Engineer – sworn. Seven items were marked as exhibits – zoning review, application, variance plan, architectural elevation plan, Township Engineer's review, board mounted variance plan with four photos and an isometric plan.

Mr. Garito explained that the applicant has two acres of property that has a significant slope with wetlands in the running through the property. The home is an expanded cape cod. The location of the home that has a proposed 10' separation is single story and the ten feet is measured from the lowest step to the coping of the pool, not from the actual home. The Board felt this was reasonable as long as it was acceptable to the Fire Marshall. The applicant would also have to receive DEP approval and construct the retaining wall to the Township Engineer's satisfaction.

Motion to Approve the Application:

OFFER: Goubeaud

SECOND: Wagar

AFFIRMATIVE: Burry, Bennett, Sobieski, Wagar, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Wagar at 10:30 p.m. to adjourn the meeting, 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 October 20, 2005 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on November 17, 2005.

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