

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
OCTOBER 19, 2006 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, Sobieski, Barnett, Bennett, Karch, Wagar, Yodakis, Goubeaud and Saavedra

ABSENT: None

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

**Approval of Minutes**

Motion to Approve the Minutes of September 21, 2006:

OFFER: Barnett

SECOND: Sobieski

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

NEGATIVE: None

**RESOLUTIONS:**

**Application ZB716 – Scannelli – Block 29, Lot 9.03 – 14 Freemont Lane**

Memorialization of resolution to remove the existing single family dwelling and construct a new single family dwelling in the AG Zone. Variances are required to permit a front yard setback of 179' where 236' is required, a building height of 40' where 35' is the maximum permitted and detached garage front setback of 132' where 400' is required.

Motion to Approve the Resolution:

OFFER: Goubeaud

SECOND: Karch

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

NEGATIVE: None

**Application ZB726 – Condon – Block 48, Lot 21.17 – One Blossom Hill**

Memorialization of resolution to permit a 5' fence in the front yard of Route 537 where 4' is the maximum permitted in the AG Zone.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Barnett, Bennett, Karch and Yodakis

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**Application ZB630 – Merendino/Naddeo – Block 34, Lot 16.09 – 26 Orchard Lane**

Application for a second one year extension of time to the approved variance. The extension will begin August 19, 2006 and expire August 19, 2007.

Mr. Merendino explained financially they were not in a position to begin construction last year. He is ready to begin the renovations shortly.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Burry, Sobieski, Barnett, Bennett, Karch, Wagar and Yodakis

NEGATIVE: None

**APPLICATIONS: Old Business**

**Application ZB717 – Innucci – Block 35, Lot 7.04 – 5 Wide Horizons Drive**

Application to construct a detached garage in the A-1 Zone. Variances are required to permit a separation between the garage and house of 12.1' where 20' is required and a total lot coverage of 28.7% where 20% is the maximum permitted and 25% exists.

Nunzio Innucci, applicant – sworn. Three new items were marked as exhibits – report from the Fire Marshall, zoning review and site plan. Mr. Innucci revised his plan by making the garage detached that will have no heat or plumbing. He also proposed taking down a portion of his existing deck and will use grasscrete pavers for the new driveway. Although these are used in the calculation of total lot coverage it will diminish the appearance of adding more impervious surface to the property.

Open to the public with no comments. The Board felt the applicant went through extensive modifications from his original submission. It appeared the majority of his lot coverage is a result of his pre-existing driveway. By removing his patio and using the grasscrete pavers the Board felt comfortable. Since the applicant did not have full architectural plans drawn, it was stipulated that the garage could not be used as a living quarters.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Saavedra

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

NEGATIVE: None

**Application ZB725 – Genke – Block 29.02, Lot 10 – 9 Millbrook Lane**

Application to construct a single family dwelling in the A-1 Zone. Variances are required to permit front yard setbacks of 75' from Route 537 and 69' from Millbrook Lane where 81' is required, side yard setbacks of 43' and 44' where 46' is required.

Joseph Genke, applicant – sworn. Two new items were marked as exhibits – revised plans and zoning review. Mr. Genke stated he took into account the concerns of the Board and moved the house back 5'

and reduced the width. This significantly reduced the setbacks and eliminated the building coverage variance.

Open to the public with no comments. The Board was much happier with this proposal. The applicant also agreed to adhere to his neighbors concerns by not having any bulldozers past the drip line of his trees that line his property.

Motion to Approve the Application:

OFFER: Goubeaud

SECOND: Sobieski

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

NEGATIVE: None

**Application – ZB729 – Garber – Block 29, Lot 10.5 – 2 Blue Bell**

Application for an addition and renovations to a single family dwelling and rear driveway leading to a barn in the AG Zone. Variances are required for front yard setbacks of 201’ and 206.67’ where 215’ is required and a total lot coverage of 14.93% where 10% is the maximum permitted.

Craig Gianetti, Esq. represented the applicant. Mr. Gianetti advised the Board they were waiting for their architect and requested to be moved to the end of the meeting.

**Application ZB728 – Sheehy – Block 8, Lot 9 – 60 Conover Road**

Application to permit a 995 s.f. accessory building where 900 s.f. is the maximum permitted in the A-1 Zone.

Chairman Burry, Mr. Bennett and Mr. Wagar recused themselves from this application and the meeting was turned over to Vice Chairman Sobieski.

Russell Macnow, Esq. represented the applicant. Four new items were marked as exhibits – site plan, architectural elevation, zoning review and architectural review report. A.J. Garito, Engineer – sworn. Mr. Garito explained they have substantially modified the garage by eliminating the second floor. The footprint will remain the same, which is 955 s.f. and requires a variance.

Mike Jaeger, Architect – sworn. Mr. Jaeger stated the stairs will be completely removed as will all floor joists. The main structural beam will remain but everything else will be removed. There is no heat or plumbing in this structure.

Open to the public with no comments. The majority of the Board felt this was a substantial revision. However, there was concern the second story could be put back. A deed restriction stating that a second story was not permitted in this structure and stipulating the reconstruction must begin within 120 days satisfied the Board.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Barnett, Karch, Goubeaud and Saavedra

NEGATIVE: Yodakis

**APPLICATIONS: New Business:**

**Application ZB727 – Forefront Homes – Block 38, Lot 15.01 – 321 Lakeside Avenue**

Application to construct a single family dwelling in the A-1 Zone. Variances are required to permit a proposed lot area of 68,161 s.f. where 88,000 s.f. is required, proposed zero lot frontage where 300' is required, proposed lot width of 159' where 300' is required and the issuance of a building permit to a lot that does not have frontage on an improved municipal street.

Robert Curley, Esq. represented the applicant. Fourteen items were marked as exhibits – zoning review, application, elevation and floor plans, conceptual lot layout plan, letter from McKenna Kingdon, letter from NJDEP, report from Township Engineer, report from Township Planner, report from Architectural Review, Board mounted tax map with 8 photos and a handout of same, zoning comparison chart and a brochure of Forefront Homes. Mr. Curley explained that Forefront Homes is a contract purchaser of this property.

Roy Deboer, Planner – sworn. Mr. Deboer explained this property was subdivided through testamentary provisions. Although this property is in the A-1 zone, the original 4.27 acre property abuts the A-3 zone which permits 30,000 s.f. parcels. None of the lots in the neighborhood conform to the zoning for the A-1 zone, most of the properties are only 75' in width. It was his opinion that this property is consistent with the neighborhood. The awkward configuration of this newly created lot creates a hardship because of the 35' easement across the front of the property. Some Board members felt the road should be extended to give this property access to a street. However, it was noted the easement is owned by the other property owner so they had access to Lakeside Avenue.

Roger Mumford, Managing Member of Forefront Homes – sworn. Mr. Mumford stated the home to be built is not designed as of yet, however he would represent the size would be 3,200 s.f.– 4,000 s.f. home. The home would be above the standard of the immediate neighborhood.

Open to the public with no comments. The Board had trouble with the property not having access on a public street. They were also concerned how emergency vehicles would access the properties, the easement is not large enough for a fire truck to turn around. The applicant wanted to look into the possibility of widening and improving the access easement and asked to have this application carried to next month.

This application is carried to the November 16, 2006 meeting with no further notice. Christine Saavedra left the meeting.

**Application ZB731 – Buckalew – Block 35.05, Lot 12 - 28 Woodhollow Road**

Application to construct an inground pool in the A-1 Zone. A variance is required to permit a side yard setback of 33.8' where 40' is required.

Anthony Buckalew, applicant – sworn. Five items were marked as exhibits – zoning review, application, survey, Architectural Review report and a series of six photos. Mr. Buckalew explained that due to the sloping nature of the property this was the only logical place to put the pool. He is putting the steps within the pool in order to conserve space.

Open to the public with no comment. The Board questioned the applicant as to why he didn't move the pool closer to the home eliminating the side yard variance. The applicant did not care which

variance he needed but thought the separation would not be permitted. By eliminating the side yard setback the pool would be 14' from a one story sunroom. The Board preferred to grant a variance for this, stipulating the Fire Marshall approves.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Karch

AFFIRMATIVE: Burry, Sobieski, Barnett, Bennett, Karch, Wagar and Yodakis

NEGATIVE: None

**Application – ZB729 – Garber – Block 29, Lot 10.5 – 2 Blue Bell**

Application for an addition and renovations to a single family dwelling and rear driveway leading to a barn in the AG Zone. Variances are required for front yard setbacks of 201' and 206.67' where 215' is required and a total lot coverage of 14.93% where 10% is the maximum permitted.

Craig Gianetti, Esq. represented the applicant. Mr. Gianetti explained they took the concerns of the Board from the last meeting and amended their plan. A.J. Garito, Engineer – sworn. Mr. Garito explained they eliminated the area for horsetrailer, however they had to keep the driveway to access the barn. They are also eliminating a portion of the front driveway and are installing two storm drains to assist with the drainage. A berm will completely buffer the addition from the street and the nearest neighbor is 500'.

Mike Monroe – Architect – sworn. Mr. Monroe stated he redesigned the entire addition and eliminated the side yard setback. This property is an active equestrian farm and the issue of vehicles and storage is a major problem he had to address.

Open to the public with no comments. The Board felt the applicant did a good job cutting back on the structure and made tremendous changes. They felt the stormwater system was an intriguing alternative to handle the drainage issues. Considering the use of the property it fits, however the Board did want a grading plan that the Township Engineer must review.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Yodakis

AFFIRMATIVE: Burry, Sobieski, Karch, Yodakis and Goubeaud

NEGATIVE: Barnett and Bennett

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

Motion to go into an Executive Session:

OFFER: Barnett

SECOND: Wagar

AFFIRMATIVE: Burry, Sobieski, Barnett, Bennett, Karch, Wagar and Yodakis

NEGATIVE: None

**MOTION TO ADJOURN**

A motion was made by Ms. Barnett at 11:05 p.m. to adjourn the meeting, seconded by Mr. Burry 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 21, 2006 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 19, 2006.

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