

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
OCTOBER 18, 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, Burry, Goubeaud and Saavedra

ABSENT: Karch and Wagar

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

**Approval of Minutes**

Motion to Approve the Minutes of September 20, 2007:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Barnett and Goubeaud

NEGATIVE: None

**RESOLUTIONS:**

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Yodakis, Barnett, Bennett and Goubeaud

NEGATIVE: None

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

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Yodakis, Barnett, Bennett and Goubeaud

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business**

**Application ZB756 – Pagliano – Block 38, Lot 13 - 240C Swimming River Road**

Application to retain an addition and new second floor to a 34' x 24' detached garage. Variances are required to permit a front yard setback of 14.9' where 100' is required, a total floor area of 1,386 s.f. where 1,200 s.f. is the maximum permitted and to allow the issuance of a building permit to a lot that does not front on a municipal street.

Vincent. Pagliano, applicant – sworn. Two new items were marked as exhibits – revised plan and existing floor plan. Mr. Pagliano stated his proposal was to remove 234 s.f. by removing a portion of floor on the second floor. This made the most practical sense because this is the location of a wall across the structure. The first floor is a two car garage and the upstairs is to be used as storage.

The Board felt the proposed plan still left the applicant substantially over the permitted 1200 s.f. of floor area without any hardship. Open to the public with no comments.

The Board agreed to carry this application to give the applicant one last opportunity to lower the floor area of the garage. This application is carried to December 20, 2007 with no further notice.

**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 coverage of 6.36% where 6% is the maximum permitted.

Irwin Mastermone, Architect – sworn. Six new items were marked as exhibits – site plan/floor plan, zoning review, building coverage calculation, two sets of existing photos and a sheet showing three schematic elevation drawings.

Mr. Mastermone reviewed the amended addition for the Imbesi's. The new plan eliminated one variance and reduced the building coverage from 7% down to 6.36%. It was shown that the actual addition to the home conforms, but by adding the open porch they are over in coverage. Schematics were shown of the home both with and without the porch that adds a much desired curb appeal. The lot is both undersized and an irregular shape proving to be a hardship to the homeowner.

Open to the public with no comments. The Board agreed the lot did cause a hardship and was very pleased the applicant reduced the size of the addition and felt it was both reasonable and beautiful. The Board did condition the approval that the porch can never be enclosed.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Sobieski, Barnett, Burry, Goubeaud and Saavedra

NEGATIVE: None

**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 20.5% where 20% is the maximum permitted.

Three new items were marked as exhibits – revised survey, revised zoning review and color rendering. Mark Lefkowitz, applicant and A.J. Garito, Engineer – both sworn.

Mr. Garito explained that currently the property exceeds the permissible lot coverage at 20.67%. They are proposing to reduce the driveway by 669’ s.f. and construct a 24’ x 36’ cabana. They are also proposing a seepage pit near the cabana to collect any excess water. Although this proposal still requires a lot coverage variance, the coverage will be less than it is currently. The cabana will have a partial basement for storage (36’ x 14’) and the property is very heavily vegetated.

Open to the public with no comment. The Board thought the applicant did a good job reducing the lot coverage to less than currently exists. Removing the 660 s.f. of driveway was a condition of approval.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Bennett

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

NEGATIVE: None

**APPLICATIONS: New Business:**

**Application ZB769 – Pellicone – Block 36, Lot 11 – 307 Lakeside Avenue**

Application to retain gravel driveway. A variances is required to permit a total lot coverage of 28% where 20% is the maximum permitted.

Jim Collins, Esq. represented the applicant. Robert and Rita Pellicone, applicants – both sworn. Nine items were marked as exhibits – application, survey, zoning review and six photos. Mr. Pellicone explained they purchased this new home four years ago. The detached garage is 255’ from the street and the driveway consisted of two concrete tire lines with grass in the middle. Due to extreme flooding of the driveway and cars constantly getting stuck and having to be towed, a new gravel driveway was installed with a drainage system under it, not realizing zoning approval would be required. The builder utilized the maximum lot coverage and by enlarging the driveway, the applicant now exceeds lot coverage.

Open to the public with no comments. The Board felt this was not only a hardship for the property owner, but for all emergency services as well. A homeowner should be able to access their home.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Barnett

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

NEGATIVE: None

**Application ZB771 – Fause – Block 40.04, Lot 1 – 1 Barbary Lane**

Application to construct a three car garage in the A-1 Zone. Variances are required to permit a front setback of 69.97’ from Barbary Lane and 56.6’ from Lakeside Avenue where 75’ is required, a side setback of 3’ where 48’ is required and a building coverage of 7% where 6.6% is the maximum permitted.

Ryan and Laura Fause, applicants – both sworn. Six items were marked as exhibits – application, survey, elevation, zoning review and two photos. Mr. Fause stated the property is an irregular shaped, undersized lot with a small two car garage attached to the home. They would like to convert the current garage into a family room and construct a new three car garage. Open to the public with no comment.

The Board agreed the irregular shape of the property was a hardship for the property owner. It was stipulated that the existing porch can not be enclosed.

Motion to Approve the Application:

OFFER: Burry

SECOND: Goubeaud

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

NEGATIVE: None

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Burry at 9:30 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 October 18, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on November 15, 2007.

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