

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
OCTOBER 16 2003 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 and Megerle

ABSENT: Sobieski and Wagar

ALSO PRESENT: Michael Steib, Esq., Timothy Anfusio, P.P. and Ruth Leininger

**Approval of Minutes**

Motion to Approve the Minutes of August 28, 2003:

OFFER: Burry

SECOND: Behrens

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

NEGATIVE: None

Motion to Approve the Minutes of September 18, 2003:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

Motion to Approve the Memo stating that the September 25, 2003 was cancelled:

OFFER: McGarry

SECOND: Behrens

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

NEGATIVE: None

**RESOLUTIONS:**

**Application #ZB577 – Bordone – Block 21.06, Lot 8 – 102 Long Bridge Road**

Memorialization of Resolution granting a one year extension of time to the approved variance. The extension will begin October 17, 2003 and expire on October 17, 2004.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Behrens

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

NEGATIVE: None

**Application ZB620 – Owens – Block 48, Lot 23.22 – 2 Mallet Hill**

Memorialization of Resolution granting approval to construct an inground swimming pool and jacuzzi. A variance is required to permit a front setback of 80.71' where 124' is required.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens and Burry

NEGATIVE: None

**Application ZB622 – Ahn – Block 33, Lots 13 & 14 - 33A Muhlenbrink Road**

Memorialization of Resolution granting approval to construct an addition to the existing single family dwelling. A variance is required to permit a front setback of 55' where 75' is required and 40' exists.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Burry

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

NEGATIVE: None

**ADMINISTRATIVE**

None

**APPLICATIONS: Old Business**

**Application ZB608 – Pasquale – Block 7.20, Lot 11 - 47 Mulberry Lane**

Application to retain an existing raised patio in the A-2 Zone. A variance is required to permit a front yard setback of 60' where 75' is required.

Mr. Burry recused himself from this application. Mike Vitiello, Esq. represented the applicant. Three new items were marked as exhibits – a photoboard consisting of seven photos and a survey, NFPASA standards and a landscape plan by Outdoor Spaces Design Group dated 8/11/03.

Mr. Andrew Janiw, Planner – sworn. Mr. Janiw explained to the Board that the patio was placed in the only location to take full advantage of the maximum sunlight. It is the applicants intent to screen the patio from the road. The current home is approximately 20 – 30 years old and very well maintained as are surrounding properties. He did not find any negative impact and reiterated that the patio is only raised 19" from the ground. Mr. Janiw also stated that they found National Fire Standards that they wanted to discuss with the Fire Marshall, they felt that an agreement could be made from a fire perspective.

Mr. James Gilday, Landscape Architect – sworn. Mr. Gilday explained the intent of the landscape plan was to have a more effective screening of the patio, which would be accomplished by placing the vegetation closer to the road. Also, vegetation would be placed around the wall, but not exceeding the top of the wall. Open to the public with no comments.

Mr. Steib, Esq. reminded the Board that they should be looking at this application as if the patio were not constructed and it was a new application to construct the patio. The applicant requested an extension to the next meeting so that they could have an opportunity to talk with the Fire Marshall. The Board had mixed feelings, this application has been carried since June and there was no effort made to modify the patio. The Board agreed to grant a final extension of time to November 20, 2003.

This application was carried to the November 20, 2003 meeting with no further notice.

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

Application to construct a one story addition and front porch to an existing single family dwelling. A variance is required to permit a front setback of 70’ where 84’ is required and 78’ currently exists and a building separation of 18’ where 20’ is required.

Michele DeDea – sworn. Ms. DeDea told the Board that her architect measured the distance between the house and home and found the distance written on the survey was incorrect. A letter from David Winters, Architect was marked as an exhibit.

The variance for building separation was no longer required. The porch was shortened to 8’ and the width of the addition was also shortened. Open to the public with no comments. The Board was grateful that the applicant went to the trouble to try and bring their plan more into conformance.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Behrens

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

NEGATIVE: None

**Application ZB621 – John – Block 22.08, Lot 17 – 53 Montrose Road**

Application to construct a gable roof over one story area (17.5’ x 24’) remove 12’ x 15’ section and construct a 14’ x 30’ one story addition to the side of the house and new front porch. Variances are required to retain a rear setback of 34.8’ for the existing 17.5’ x 24’ addition and a 21’ rear setback for the existing deck where 50’ is required.

Joseph Hillman, Jr. Esq. represented the applicant. Mr. Hillman, Esq. explained to the Board that it appears that the family room was built with no permits or variances. Fourteen items were marked as exhibits – the application, revised application, survey, contract of purchase, appraisal report, title binder policy, deed, two construction permits, assessor card, excerpt from Colts Neck Master Plan, excerpt from Colts Neck Ordinance and a photoboard. From the exhibits Mr. Hillman ascertained that the family room existed prior to the purchase by Mr. John. It was his opinion that a variance would not be needed because this addition was constructed prior to the ordinance.

Mr. Sunny John – sworn. Mr. John stated that he has been working on the existing home since he purchased it, changing windows, etc. In view of the current problem he decided to move the proposed addition to the other side of the home and ask to legalize the existing family room. It is his wish to

change the architecture of the home, making it vinyl and stone. Mr. John stated that there is a row of trees that buffer the neighboring property from his but some of the trees died and he took them out. It is his intent to replace these trees.

**Due to the hour, Chairman Bennett announced that they would not get to applications ZB624 Stalzer, ZB626 Pardee and ZB627 Thompson. These applications will be carried to the November 20, 2003 meeting with no further notice.**

Open to the public. Mr. Durso, 29 Willow Lake Drive – sworn. Mr. Durso stated that he lived directly behind the applicant’s home where the illegal family room is since 1983. He stated that the family room was built in 1988 prior to Mr. John’s purchase of the property. He had no objection to the variance being granted to keep the family room, however the deck that is off the family room is very close to his property line and he would ask the Board not to approve the deck which is only 21’ from his property line where 50’ is required. Debbie Marcantuono, 20 Willow Lake Drive asked if the applicant planted trees, would that solve Mr. Durso’s problem? No, Mr. Durso stated that he already planted trees in that area. The porch is used to gain access into the home, therefore a lot of activity happens very close to the property line.

Mr. Steib, Esq. advised the Board that they should review the information from Mr. Hillman, Esq. and make a decision at the next hearing, they are not required to make a rash decision. This application was carried to the November 20, 2003 meeting with no further notice.

**APPLICATIONS: New Business**

**Application ZB623 – Fisher – Block 12.01, Lot 19 – 92 Heulitt Road**

Application to construct three additions to the existing single-family dwelling and attach garage to the house. A variance is required to permit a side setback of 51’ where 58’ is required.

Mr. Gerald Fisher, applicant – sworn. Five items were marked as exhibits – the zoning review, application, survey, elevation and floor plan and Fire Marshall’s report. Mr. Fisher explained to the Board that it was his intention to attach the house to the garage and square off the second story. When he attaches the house to the garage, the house becomes 98’ in width kicking in the 90’ rule. Open to the public with no comment.

Motion to Approve the Application:

OFFER: Burry

SECOND: Yodakis

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

NEGATIVE: None

**Application ZB624 – Stalzer – Block 35, Lots 7 & 23 – 17 Wide Horizons Drive**

Application for a Use Variance and Preliminary and Final Major Subdivision Approval for a lot line adjustment in an A-1 cluster development.

**Due to the hour this application was carried to the November 20, 2003 meeting with no further notice.**

**Application ZB625 – Colts Neck Baptist Church – Block 31, Lot 10.01 – Merchants Way**

Application to replace the existing externally illuminated freestanding sign with a new internally illuminated freestanding sign with message panel. A variance is required to permit a sign area of 20 s.f. where 12 s.f. is the maximum permitted.

Ms. Bazer, Esq. represented the church. Four items were marked as exhibits – zoning review, sign detail, survey and sign location detail. Mr. Matthew Loving, Church Deacon – sworn. Mr. Loving told the Board that the Church would like to replace the current sign with a smaller, internally lit sign in the same location. The current sign has been in place for approximately 15 years with flood lights illuminating it.

Open to the public with no comments. The Board felt that the new sign would be an improvement from what currently exists both aesthetically and the fact that it is smaller.

Motion to Approve the Application:

OFFER: Burry

SECOND: McGarry

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

NEGATIVE: None

**Application ZB626 – Pardee – Block 6, Lot 9.26 – 1 Gaitway Drive**

Application to construct a pool cabana (40' x 20') in rear yard. Variances are required to permit a rear setback of 22' where 40' is required and a building separation of 8.5' where 10' is required. Time to

**Due to the hour this application was carried to the November 20, 2003 meeting with no further notice.**

**Application ZB627 – Thompson – Block 34, Lot 16.08 – 22 Orchard Lane**

Application to remove the existing inground pool and pool cabanas and construct an addition to the existing dwelling, new inground pool and cabana. Variances are required to permit a front setback of 146' where 204' is required, a covered porch rear setback of 45' where 54' is required, a cabana rear setback of 11' where 50' is required, a pool to house separation of 10' where 20' is required a pool to cabana separation of 0' where 10' is required, a building coverage of 13.76% where 5% is the maximum permitted, a total lot coverage of 31.23% where 10% is the maximum permitted, an existing lot area of 55,312 s.f. where 10 acres is required, an existing lot frontage of 225' where 300' is required and an existing lot depth of 231' where 400' is required.

**Due to the hour this application was carried to the November 20, 2003 meeting with no further notice.**

**EXECUTIVE SESSION**

None

**DISCUSSION ITEMS:**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Behrens to adjourn the meeting at 10:40 p.m., 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 October 16, 2003 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on November 20, 2003.

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Bernie Behrens, Secretary  
Board of Adjustment of the  
Township of Colts Neck