

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
NOVEMBER 20 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, Burry, Yodakis, Sobieski, Megerle and Wagar

ABSENT: Barnett and Behrens

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

Approval of Minutes

Motion to Approve the Minutes of October 16, 2003:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis and Megerle

NEGATIVE: None

Motion to Approve the Minutes of October 21, 2003:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis, Sobieski, Megerle and Wagar

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Burry and Yodakis

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis and Megerle

NEGATIVE: None

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

Memorialization of Resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: McGarry

SECOND: Burry

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis and Megerle

NEGATIVE: None

Application ZB609 – Verizon – Block 13, Lot 49 – Crine Road

Memorialization of Resolution granting approval for a Minor Site Plan as well as a Use Variance in the A-1 Zone. The applicant, Verizon Wireless, proposes to mount cellular antennas on an existing JCP&L power line tower. A Use Variance is required to permit a telecommunication facility in the A-1 Zone. Variances are required to permit an antenna height of 130' where 35' is the maximum height permitted, an antenna front setback of 23' where 75' is required and an equipment compound front setback of 15' where 75' is required.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis, Sobieski, Megerle and Wagar

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. Steib, Esq. informed the Board that a letter had been received from the applicants attorney stating that the Pasquale's chose to modify their improvements and conform, thereby withdrawing the application.

Motion to Permit Withdrawal Without Prejudice:

OFFER: Yodakis

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Yodakis, Megerle and Wagar

NEGATIVE: None

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

Application to construct a pool cabana (40' x 20') in the A-1 Zone. Variances are required to permit a rear setback of 22' where 40' is required and a separation between the cabana and pool of 8.5' where 10' is required.

Mr. Derrick Pardee, applicant – sworn. Eight items were marked as exhibits – the zoning review, application, survey, site plan and elevation plan, report from Fire Marshall, report from Architectural Review Committee, letter from Mr. Pardee and pool house architectural plans.

Mr. Pardee presented a notarized letter to the Board stating that pool cabana would not be used as a guesthouse or second dwelling. Mr. Pardee explained that this property was purchased in 1993 but because of the irregular shaped lot, a variance was requested and granted in 1994 to allow a pool. The well is between the pool and the proposed cabana and the reason he is proposing the poolhouse so far into the setback. Mr. Pardee agreed to eliminate the 10' building separation by moving the pool and only require a rear setback of 25.4' where 40' is required.

The Board appreciated the applicant working with them but felt the pool could possibly be closer to the well – they wanted to find out how close it could be. The applicant asked to be carried to the next meeting so that he could address the concerns of the Board and speak with the Health Officer. This application is carried to the December 18, 2003 meeting with no further notice.

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.

Mr. Larry Reynolds, Esq. represented Mr. Stalzer. Nine items were marked as exhibits – the application, plans, report from Township Planner, report from Board of Health, report from Township Engineer, report from Fire Marshall, report from Architectural Review Committee, report from Township Landscape Architect and letter from Monmouth County Planning Board.

Mr. Steib, Esq. explained to the Board that the reason this application is in front of them is that a variance was previously granted to allow a caretakers dwelling to remain over an existing carriage house, this application exasperates the nonconforming use.

Mr. Rich DiFolco, P.E. – sworn. Mr. DiFolco explained that they were adjusting the lot lines and all setbacks would comply, no variances are required. The person who is purchasing the lot is confined to a wheelchair and needs to build a ranch home so that he can access the whole home. Mr. Sgroi – sworn. Mr. Sgroi received the original variance and explained that no other changes are being made. The home is over 300 years old and the cottage is over 100 years old, his daughter is living in the caretakers cottage.

Open to the public with no comments. The Board felt that there was no increase in intensity of the nonconforming element. The property is surrounded on three sides by Township greenway and not impacting any neighbors.

Motion to Approve the Application:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis, Sobieski, Megerle and Wagar

NEGATIVE: None

APPLICATIONS: New Business

Application ZB628 – Afonso – Block 35.02, Lot 16 – 64 Beaver Dam Road

Application to construct an inground pool in the A-1 Zone. Variances are required to permit a rear setback of 10' where 30' is required and to permit a 12' separation between the pool and the house where 20' is required.

Mary Afonso, applicant – sworn. Erin and Edward Kinney from Kinney Pool's both sworn. Five items were marked as exhibits – the zoning review, application, survey, Architectural Review report and Fire Prevention report. Mrs. Afonso told the Board that they would like to put a pool in their back yard, however the home is set very far back, creating a hardship. There is an existing children's play area with extensive landscaping that would have to be removed if the pool were to be pushed any further back than being proposed. Unfortunately none of the Board members had been able to visit the site and they felt that they would like to do so. The applicant also stated that she would try to revisit the plans and become more conforming if possible. This application was carried to the December 18, 2003 meeting with no further notice.

APPLICATIONS: Old Business

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

Application to construct a gable roof over one story flat roof area in the A-1 Zone. 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.

There was no one in the audience representing the applicant. Mr. Anfuso stated that he had heard from the applicant who stated that he would be out of town, however his attorney would be present to represent him. Mr. Steib, Esq. advised the Board that the applicant had completed their testimony last month and had presented the Board with information whereby they felt the nonconforming structure was grandfathered. In order to give the Board an opportunity to review the information it was carried to this month's meeting. Mr. Steib, Esq. felt the Board had jurisdiction to act on this application, especially since there was an interested neighbor in the audience. Mr. Sobieski made a motion to accept the recommendation of council and this was seconded by Ms. McGarry and unanimously carried.

Mr. Stieb, Esq. then clarified that the Board must first determine whether they agree with the applicant's position that they are grandfathered. If they disagree, they then must either determine whether or not to grant a variance to retain the addition and deck. Two new items were marked as exhibits – a report from Tim Anfuso and a rebuttal memo from Mr. Hillman, Esq.

The Board first determined that they did not agree with Mr. Hillman, Esq. that the addition was grandfathered. They did agree to grant a variance for it, however permits would have to be granted from the Building Department along with proper inspections. The deck was felt to be much to close to the property line. They all felt if this was a new application in front of them they would not approve a deck so close. Board of Health approval must also be granted.

Motion to Approve the Application with Conditions:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis and Wagar

NEGATIVE: None

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 in the AG Zone. 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.

William Jessie Thompson, applicant and A.J. Garito, P.E. – sworn. Nine items were marked as exhibits – zoning review, application, variance plan, architectural elevation plan of addition, elevation plan of pool house, Architectural Review Committee report, color rendering, photoboard and zoning review as A-1 Cluster. The Thompson's have lived in this house for six years and prior to that they were on Willow Lake Drive for twelve years. Orchard Lane was created with A-1 Cluster provisions, however it is zoned AG. Five of the variances that are being requested are because of the zone change – front yard setback, lot area, lot depth, lot frontage and rear setback. The applicant would like to enlarge the kitchen 36.96' s.f. which results in bumping it out 3' x 12'. The applicant asked to bifurcate the application if the Board so chose, so that construction could begin on that addition if it was approved. The Board agreed to do this. The Board felt that this was a modest addition that was de minimis in impact.

Motion to Approve the Addition to the Kitchen:

OFFER: McGarry

SECOND: Burry

AFFIRMATIVE: Bennett, McGarry, Burry, Yodakis, Sobieski, Megerle and Wagar

NEGATIVE: None

Mr. Garito explained to the Board that the current pool is in very bad shape and they would like to redistribute the entire back yard. The current pool and cabana will be removed. They currently have a building coverage of 8.1% and they are proposing 10.2%. The applicant requested that the remainder of this application be carried to the next meeting so that they could amend the plans to meet the concerns of the Board.

This application was carried to the December 18, 2003 meeting with no further notice.

EXECUTIVE SESSION

None

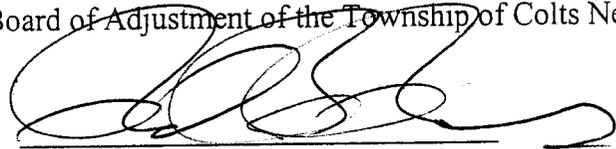
DISCUSSION ITEMS:

The Board discussed what the procedure is when an application is received to do work on a home and a violation is found. Mr. Anfuso explained that while he is doing his zoning review if he found a violation he would notify the Code Enforcement Officer to investigate.

MOTION TO ADJOURN

A motion was made by Ms. McGarry to adjourn the meeting at 10:40 p.m., seconded by Mr. Yodakis and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on November 20, 2003 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on December 18, 2003.



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