

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
NOVEMBER 16, 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, Barnett, Bennett, Wagar, Yodakis, Goubeaud and Saavedra

ABSENT: Sobieski and Karch

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

Approval of Minutes

Motion to Approve the Minutes of October 19, 2006:

OFFER: Barnett

SECOND: Yodakis

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

NEGATIVE: None

RESOLUTIONS:

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

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

Motion to Approve the Resolution:

OFFER: Yodakis

SECOND: Barnett

AFFIRMATIVE: Burry, Barnett, Bennett, Wagar and Yodakis

NEGATIVE: None

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

Memorialization of resolution 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.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Burry, Barnett, Bennett, Goubeaud and Saavedra

NEGATIVE: None

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

Memorialization of resolution 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 and side yard setbacks of 43’ and 44’ where 46’ is required.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Burry, Barnett, Bennett, Goubeaud and Saavedra

NEGATIVE: None

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

Memorialization of resolution 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.

Motion to Approve the Resolution:

OFFER: Yodakis

SECOND: Goubeaud

AFFIRMATIVE: Burry, Yodakis and Goubeaud

NEGATIVE: None

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

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

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Goubeaud

AFFIRMATIVE: Barnett, Goubeaud and Saavedra

NEGATIVE: None

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

Memorialization of resolution to construct an inground pool in the A-1 Zone. A variance is required to permit a building separation of 14’ where 20’ is required.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Yodakis

AFFIRMATIVE: Burry, Barnett, Bennett, Wagar and Yodakis

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old 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.

A letter was received from the applicants attorney requesting the application be carried to December. This application is carried to the December 21, 2006 meeting with no further notice.

APPLICATIONS: New Business:

Application ZB732 – Wilson – Block 9, Lot 23 – 23 Blackbriar Drive

Application to construct a one story garage addition in the A-1 Zone. A variance is required to permit a front yard setback of 71.2' where 75' is required.

Mark Wilson, applicant – sworn. Five items were marked as exhibits – zoning review, application, series of four photos, survey and elevation and floor plans. Mr. Wilson stated he has a ranch home and wanted to build a three car garage. He found out that because of the 90' he was not able to do this. He has been working with the Zoning Officer and feels this is the simplest way, with the least disturbance to add to the existing garage.

Open to the public with no comments. The Board appreciated the applicant working with the Zoning Officer and trying to get what he needed. They felt what he was requesting balanced out the house and was de minimis.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: Goubeaud

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

NEGATIVE: None

Application ZB730 – LoBraico – Block 45.02, Lot 2 – 25 Salem Drive

Application for a second story and rear additions to a single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 7.16% where 6.6% is the maximum permitted.

Rocco LoBraico, applicant - sworn. Six items were marked as exhibits – zoning review, application, site plan and elevations, Architectural Review comments, series of ten photos and the original site plan. Mr. LoBraico explained to the Board that he purchased this home and was renovating it himself. He came in many times to speak with the Zoning Officer but he apparently misunderstood building coverage. He originally wanted to enlarge a deck which was fine, but when he put an open roof over it and made it a porch that counted toward building coverage and put him over the permitted 6.6%. He added the deck over the porch to tie in the various different roof elevations.

Open to the public with no comments. Although the porch is open and not enclosed living space the Board was having trouble with a trend of building things and then asking for variances. This is an unfortunate problem but the Board thought the applicant could look into some alternatives. The

applicant requested to come back next month. This application is carried to the December 21, 2006 meeting with no further notice.

Application ZB733 – Cappello – Block 50, Lot 21 – 92 Obre Road

Application to construct first and second story additions, deck covered porch and detached garage in the AG Zone. Variances are required to permit a frontyard setback of 68' where 59' is required, an accessory frontyard setback of 108' where 200' is required, building coverage of 7% where 5% is the maximum and total lot coverage of 20% where 10% is the maximum.

There was a problem with this applicant's service, they will renote for the December 21, 2006 meeting.

Application ZB734 – Graziano – Block 23, Lot 23.01 – 29 Lake Drive

Application to construct an inground pool in the A-1 Zone. Variances are required to permit side yard setbacks of 25' and 25' where 40' is required and a pool and deck separation of 15' where 20' is required.

Manual Graziano, applicant and Gary Hansen, contractor - both sworn. Four items were marked as exhibits – zoning review, application, plot plan and Architectural Review letter. Mr. Hansen told the Board that the pool will be taken out of the conservation easement. They plan on leaving as much vegetation as possible but will add new landscaping to buffer between the properties.

Open to the public. Paula Freddo, 33 Lake Drive – sworn. Ms. Freddo is the adjoining property owner and was concerned with tree removal. Constance Weighell, 24 Crusis Place – sworn. Ms. Weighell was concerned with the conservation easement and felt they should keep the pool 25' from the easement. Roger Kroeck, 28 Crusis Place – sworn. Mr. Kroeck was concerned with buffering.

The Board told the applicant they must revise the plans to show what exactly they were applying for. They also suggested he sit down and talk to his neighbors prior to coming back to work out any concerns they have. The applicant requested to carry this application to December. This application is carried to the December 21, 2006 meeting with no further notice.

Application ZB735 – Iacono – Block 7.07, Lot 24 – 6 Fernwood Court

Application to demolish the existing dwelling and construct a new single family dwelling in the A-2 Zone. Variances are required to permit a frontyard setback of 28' where 80' is required and a rear setback of 40.59' where 45' is required.

Mr. Steib, Esq. stated the application and notices all state the property as 2 Fernwood, it is actually 6 Fernwood. However the correct block and lot were used and the correct property owners were notified. The attorney for the applicant wanted to proceed as long as this was noted on the record.

Peter LaFrance, Esq. represented the applicant. Seven items were marked as exhibits – zoning review, application, elevation and floor plan, map, Board of Health review, Architectural Review letter and a series of six photos. Mr. Wagar left the meeting.

Sal Santo, Architect and Arthur Marano, Builder – both sworn. Mr. Marano stated he has been contracted to add a second story to the existing home which has been vacant for quite a while. The home is in disrepair and has mold damage. After researching the situation it would be very costly to refurbish and is more cost effective to knock down and build a new home. Mr. Marano stated he has

tried to mostly stay within the existing footprint but has narrowed the home and pulled it further away from the stream.

Open to the public. Robert Bray 21 Squire Terrace – sworn. Mr. Bray stated the setback is extremely small and request it not be exasperated. Anthony Lucchese, 5 Fernwood Court – sworn. Mr. Lucchese questioned where the septic was being placed because the former owners had trouble. Patricia Nagel, 1 Fernwood Court – sworn. Ms. Nagel stated that piece of property has a water table problem. She also said the neighbors were happy the property would be fixed up.

Mr. LaFrance stated it was the owners intention not to take out any trees, only what is required for construction. Mr. Anfuso stated a grading plan should be required for the Township Engineer to review and a NJDEP presence or absence determination should also be required.

Some Board members had concerns that the house would be much closer to the road than any other house on the street, however many of the neighbors came out in support of the application. The Board stipulated a grading plan must be provided and DEP approval must be granted along with keeping the driveway and patio out of the easement.

Motion to Approve the Application:

OFFER: Saavedra

SECOND: Barnett

AFFIRMATIVE: Burry, Barnett, Yodakis, Goubeaud and Saavedra

NEGATIVE: Bennett

DISCUSSION ITEMS:

The Board discussed items they wanted included in the Annual Report. Having pools included in the calculation of lot coverage and building without permits or not what was approved were the major issues.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 10:40 p.m. to adjourn the meeting, seconded by Mr. Bennett 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 16, 2006 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on December 21, 2006.

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