

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
NOVEMBER 18, 2007 AT 8:00 P.M.**

Mr. Bennett called the meeting to order by reading the following statement: "As 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: Barnett, Bennett, Burry, Karch, Wagar and Goubeaud

ABSENT: Sobieski, Yodakis and Saavedra

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

Approval of Minutes

Motion to Approve the Minutes of October 18, 2007:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Barnett, Bennett, Burry and Goubeaud

NEGATIVE: None

RESOLUTIONS:

Application ZB764 – Imbesi – Block 3, Lot 19 – 15 Saddle Ridge Road

Memorialization of resolution granting approval 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.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Barnett, Burry and Goubeaud

NEGATIVE: None

Application ZB763 – Fierro – Block 12, Lot 30 – 132 Heulitt Road

Memorialization of resolution granting approval to construct a pool cabana. A variance is required to permit a total lot coverage of 20.5% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Barnett, Bennett, Burry and Goubeaud

NEGATIVE: None

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

Memorialization of resolution granting approval to retain gravel driveway. A variance is required to permit a total lot coverage of 28% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

- OFFER: Burry
- SECOND: Barnett
- AFFIRMATIVE: Barnett, Bennett, Burry and Goubeaud
- NEGATIVE: None

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

Memorialization of resolution granting approval 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 6.65% is the maximum permitted.

Motion to Memorialize the Resolution:

- OFFER: Burry
- SECOND: Barnett
- AFFIRMATIVE: Barnett, Bennett, Burry and Goubeaud
- NEGATIVE: None

ADMINISTRATIVE ITEMS:

Application ZB707 – Aragno – Block 1.01, Lot 18 – 45 Clover Hill Road

Application for a one year extension of time to the approved variance. The extension of time will begin April 20, 2007 to April 20, 2008.

Ms. Aragno told the Board she needed more time before she was financially ready to begin her project. Mr. Anfusio confirmed there were no changes to the ordinance that would effect this application.

Motion to Approve the Extension:

- OFFER: Burry
- SECOND: Wagar
- AFFIRMATIVE: Barnett, Bennett, Burry and Goubeaud
- NEGATIVE: None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

Application ZB773 – Whelan Custom Homes – Block 41.01, Lot 5.10 - 2 Messenger Drive

Application to construct a single family dwelling in the AG Zone. A variance is required to permit a proposed front yard setback of 85.5’ where 95’ is required.

Diana Goubeaud recused herself from the application. Sal Alfieri, Esq. represented the applicant. Five items were marked as exhibits – zoning review, application, survey, architectural elevation rendering and Architectural Review report.

John Whelan, applicant and William Kurtz, Engineer – both sworn. During a foundation inspection it was discovered the house encroaches in the front yard setback by 9 ½'. The property is a corner lot and the house exceeds 90' in width by 20'. In adding the additional 20' to the setbacks, there was a computer error causing the stake out of the foundation to be off on one side.

It would be a substantial change to the structure and front elevation to “cut off” that portion of the home because there is a staircase from the first to second floor on that side. There is roughly a 9' x 10' area of the house that encroaches into the setback. Open to the public with no comment.

Although the Board was not happy with the situation they did feel it was an honest mistake with no significant harm that would be very costly to fix causing a hardship.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Barnett, Bennett, Burry, Karch and Wagar

NEGATIVE: None

Application ZB774 – Mavica – Block 12.01, Lot 12 – 37 Acorn Place

Application to demolish the existing dwelling, except garage foundation, and construct a new single family dwelling in the A-1 Zone. A variance is required to permit a 3 ½ story dwelling where 2 ½ stories is the maximum permitted.

A.J. Garito, Engineer, Christina and Scott Mavica, applicants – all sworn. Nine items were marked as exhibits – zoning review, application, survey, elevations, Architectural Review report, blow up of tax map, photoboard with six photos and a color rendering of the variance plan.

Mr. Garito explained the current property has a sloping backyard and the home has a walkout basement. The Mavica's want to demolish the existing home and rebuild a slightly larger home in the same location. They do not want to bring in a lot of dirt and change the character of the neighborhood although this could eliminate the variance. This house could be conforming, although aesthetically not something everyone would be happy with.

Open to the public. Daniel Bauer, 35 Acorn – sworn. Mr. Bauer was concerned that the water table is high and if the Mavica's brought in fill, the neighbors will have flooding issues.

The Board felt that this was a three story house going against the reason the ordinance is in place. By having the entire basement showing the house looks very large and out of character for the neighborhood.

The applicant requested to take a second look at their plans and come back next month. This application is carried to December 20, 2007 with no further notice.

DISCUSSION ITEMS:

The Board discussed a draft year end report written by the Zoning Officer. The Board requested a copy of Mr. Steib's memo to the Township Committee regarding contractors working without permits and not following plans be attached to the report. It was also recommended that swimming pools should be added to the calculation of lot coverage.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 9:25 p.m. to adjourn the meeting, seconded by Ms. Goubeaud 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 15, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on December 20, 2007.

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