

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
NOVEMBER 20, 2008 AT 8:00 P.M.**

Mr. Yodakis 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: Yodakis, Bennett, Barnett, Burry, Karch, Wagar, Goubeaud and Saavedra

ABSENT: Sobieski

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

**Approval of Minutes**

Motion to Approve the Minutes of October 16, 2008:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

**RESOLUTIONS:**

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

Memorialization of Resolution for a one year extension to the approved variance. The extension of time begins April 20, 2008 and expire April 20, 2009.

Motion to Approve the Resolution:

OFFER: Karch

SECOND: Barnett

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

NEGATIVE: None

**Application ZB794 – Friend/Raymond – Block 7.26, Lot 13 – 33 Fox Hedge Road**

Memorialization of Resolution to construct a detached garage in the A-1 Zone. Variances are required to permit a front setback of 78.55' where 100' is required and a side setback of 38.08' where 40' is required.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Bennett

AFFIRMATIVE: Yodakis, Bennett, Barnett and Goubeaud

NEGATIVE: None

**Application ZB804 – 200 Route 34, LLC – Block 8, Lot 5 – 200 Route 34**

Memorialization of Resolution for Preliminary and Final Major Site Plan Approval and Use Variance in the A-1 Zone, a Use Variance is required to add three part time employees, increase the maximum daily traffic to 28 patient trips and Preliminary Final Major Site Plan Approval is required to retain six off-street parking spaces.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Barnett

AFFIRMATIVE: Yodakis, Barnett, Sobieski and Goubeaud

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business**

**Application ZB793 – Meicke – Block 14, Lot 2 – 260 Heyers Mill Road**

Application for Interpretation of the Zoning Ordinance requesting a determination that the existing nonconforming structure has not been destroyed and can be reconstructed without variance approval. In the alternative, the applicant seeks variances to reconstruct an existing detached garage. Variances are required to permit a front setback of 27' where 100' is required, side setback of 14' where 27.8' is required, total accessory building coverage of 6.9% where 5% maximum permitted, first floor area of 1,472 s.f. where 900 s.f. maximum permitted and total floor area of 1,472 s.f. where 1,200 s.f. maximum permitted.

Mr. Meicke was not in attendance to advance his application or to grant an extension of time. The Board had to alternative other than to Dismiss the Application Without Prejudice since the Board's time to act on the application will expire prior to the December meeting.

Motion to Dismiss Application Without Prejudice:

OFFER: Barnett

SECOND: Karch

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

NEGATIVE: None

**Application ZB797 – Weiss – Block 22.02, Lot 12 – 151 Montrose Road**

Application to construct an inground swimming pool in the A-1 Zone. A variance is required to permit a 15' building separation where 20' is required.

Debbie Weiss, applicant – sworn. Three new items were marked as exhibits – zoning review, pool location plan and Fire Prevention Bureau review.

Ms. Weiss explained the plans have been altered only requiring one variance for separation. She has met with the Fire Marshall and he has given his approval, stating it would not be a problem if they had to fight a fire in the house. Open to the public with no comments. The Board told the applicant she did a good job reducing the variances.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Karch

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

NEGATIVE: None

**Application ZB803 – Bridges – Block 35, Lot 22.14 – 36 Rivers Edge Drive**

Application to construct a new raised patio and covered porch. Variances are required to permit a 16' separation where 20' is required, an 8% building coverage where 6% is the maximum permitted and 7.55% currently exists and a total lot coverage of 24.6% where 20% is the maximum permitted and 24.1% currently exists.

Dr. Laura Bridges, applicant and Sherry Challoo both sworn. Two new items were marked as exhibits – architectural plan and zoning review.

Dr. Bridges explained the most important issues to her is to repair the existing stairs and patio and to put a small roof over the patio for shade. The current patio is sinking and will be made smaller than what is existing along with stairs that are not as steep. Open to the public with no comments.

The Board understood the applicant is reducing the size of the existing porch and just adding a covered area over a portion of what currently exists. The applicant has eliminated the separation variance and reduced the total lot coverage variance request.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Saavedra

AFFIRMATIVE: Yodakis, Bennett, Barnett, Goubeaud and Saavedra

NEGATIVE: None

**Application ZB802 – Palmeri – Block 16, Lot 53.17 – 7 Old Stable Way**

Application to retain a pool patio and cabana. Variances are required to permit a cabana front setback of 73' where 100' is required, a cabana side setback of 20.2' where 40' is required and a 22% total lot coverage where 21.14% is the maximum permitted by way of variance.

John Giunco, Esq. represented the applicant. Three new items were marked as exhibits – zoning review, color rendering of the variance plan and an accessory structure setback exhibit.

A.J. Garito – sworn. Mr. Garito explained they were proposing to remove the western leg of the existing driveway, a portion of the driveway by the garage along with a large portion of patio around the pool that would equate to 3,336 s.f. This would still be 486 s.f. over the amount permitted by variance.

Open to the public. Ron Gasorowski, Esq. represented the neighbor adjacent to the accessory structure. Mr. Gasorowski stated a smaller accessory structure could have been built within the building envelope with no impact to his client. Mr. Garito stated there is a large evergreen buffer between the properties and there is no exterior lighting on the structure. Mr. Gasorowski stated his client has a right to rely on the zoning ordinance stating an accessory could not be that close to his property line. The structure is a gathering place or parties, etc. effecting their quality of life.

The Board appreciated the applicants attempt to reduce lot coverage, however in looking at this as an application to build the pool house – it is not something the Board would approve, especially with the neighbor objecting.

Mr. Giunco granted an extension of time to December 30<sup>th</sup> and requested the application be carried. This application is carried to December 18, 2008 with no further notice.

**APPLICATIONS: New Business:**

**Application ZB805 – Cappello – Block 50, Lot 21 – 92 Obre Road**

Application to construct a roof over rear deck. Variances are required to permit a front setback of 90’ where 200’ is required and a total building coverage of 6% where 5% is the maximum permitted.

Five items were marked as exhibits – zoning review, application, composite plan, Fire Prevention Bureau review and Architectural Review Committee’s comments. Thomas Cappello, applicant sworn.

Mr. Cappello explained his property is only one acre in a ten acre zone. He would like to put a roof over the deck which exceeds his lot coverage. If this property was in the A-2 Zone (40,000 s.f.) he would not exceed his building coverage and the roof would be permissible.

The Board agreed this property was in the wrong zone for its size and understood the desire for a roof over the deck.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

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

NEGATIVE: None

**Application ZB806 – Sullivan – Block 17, Lot 23 – 2 Twin Ponds Trail**

Application to construct a 24’ x 36’ barn. Variances are required to permit a building separation of 68’ where 100’ is proposed, a side yard setback of 64’ where 100’ is required and 960 s.f. barn where 900 s.f. is the maximum permitted.

Five items were marked as exhibits – zoning review, application, survey plan, series of nine photos and one schematic and a final survey. Veronica Sullivan, applicant – sworn.

Ms. Sullivan explained they live at 6 Twin Ponds Trail and wanted to have horses and a barn. The opportunity presented itself to buy the property next to them. The neighboring property has an existing house on it and they would like to put the barn between the two homes. They want to keep far away from the JCP&L easement because they planted 45 trees and had to remove 18 because of JCP&L.

Open to the public. John Walsh, 208 Heyers Mill Road – sworn. Mr. Walsh stated when this subdivision was created there was grading that was supposed to be done to his property and this property. He is in favor of the application, he just wanted to make sure it would not inhibit the grading work to be done.

The Board was concerned with the side setback. Although the Sullivan's own both properties now they could be sold individually. Ms. Sullivan's husband was not present and she asked for this application to be carried so that she can discuss the possibility of moving the barn. This application is carried to the December 18, 2008 meeting with no further notice.

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Ms. Barnett at 10:10 p.m. to adjourn the meeting, seconded by Mr. Karch 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, 2008 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on December 18, 2008.

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