

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
NOVEMBER 19, 2009 AT 8:00 P.M.**

Mr. 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 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: Bennett, Barnett, Sobieski, Wagar, Yodakis, Goubeaud and Hesslein

ABSENT: Burry and Karch

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

Approval of Minutes

Motion to Approve the Minutes of October 15, 2009:

OFFER: Hesslein

SECOND: Goubeaud

AFFIRMATIVE: Bennett, Wagar, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

RESOLUTIONS:

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

Memorialization of Resolution approving reconstruction of an existing non-conforming detached garage following partial destruction.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Goubeaud

AFFIRMATIVE: Bennett, Wagar, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

Application ZB823 – Weiss – Block 48, Lot 23.05 – 19 Rancho Polo

Memorialization of Resolution approving the construct a patio and outdoor kitchen. A variance is required to permit a total lot coverage of 16% where 15% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Goubeaud

AFFIRMATIVE: Bennett, Wagar, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

Application ZB825 – Lucarelli – Block 5, Lot 1.02 – 18 Eagle Nest Road

Memorialization of Resolution approving the retention of an existing Bocci Ball Court and BBQ structure as well as install a new 20' x 23' pergola. Variances are required to permit a Bocci Ball Court side yard setback of 43' where 50' is required and a building separation of 4' between the pergola and terrace and 6' between the BBQ and terrace where 20' is required.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Goubeaud

AFFIRMATIVE: Bennett, Wagar, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

Application ZB826 – Kesicki I – Block 13, Lot 5.01 – 143 Heulitt Road

Memorialization of Resolution approving the construction of a first and second story addition to an existing dwelling in the A-1 Zone. A variance is required to permit a side yard setback of 31.5' where 50' is required.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Goubeaud

AFFIRMATIVE: Bennett, Wagar, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

Application ZB827 – Kesicki II – Block 13, Lot 5.02 – 145 Heulitt Road

Memorialization of Resolution approving the construction of a new single family dwelling in the A-1 Zone. A variance is required to permit a front yard setback of 50' where 102' is required.

Motion to Memorialize the Resolution:

OFFER: Hesslein

SECOND: Goubeaud

AFFIRMATIVE: Bennett, Wagar, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business:

None

APPLICATIONS: New Business

Application ZB832 – Brown – Block 8, Lot 19 – 11 Candlewick Way

Application to construct a 6' x 8' front porch over existing steps. A variance is required to permit a front setback of 72.6' where 75' is required.

Four items were marked as exhibits – zoning review, application, survey and elevation drawing. Barbara Brown, applicant and her son-in-law Mark – both sworn. Ms. Brown told the Board she would like to have an A frame cover over her existing front steps to protect her from the weather as you come into the home. The existing home is 78' and by adding a 6' porch it encroaches into the permissible front yard setback. Open to the public with no comments.

The Board felt this was a small portico over existing steps which was very reasonable. The variance requested is de minimis.

Motion to Approve the Application:

OFFER: Goubeaud

SECOND: Wagar

AFFIRMATIVE: Bennett, Barnett, Sobieski, Wagar, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

Application ZB831 – Manhire – Block 21, Lot 2 – 585 Lovett Road

Application to construct an addition to an existing single family dwelling and to remove the deck and install a raised and at grade patio in the A-1 Zone. Variances are required to permit a side setback of 34' for a raised patio and 44.6' for the addition where 54' is required and 52' exist, as a building separation of 2' for the hot tub where 20' is required and a hot tub rear setback of 47' where 50' is required.

Five items were marked as exhibits – application, zoning review, survey, architectural plans and a Board mounted exhibit with nine photos. Laurie and Richard Manhire, applicants – both sworn.

The applicants explained they purchased this home and renovated the front of the house and now as part of phase two they want to complete the rest of the home. The corner property is unique with a large conservation easement pushing the house to one side of the lot making the side yard their back yard; they would like to create some privacy. They also want to renovate the kitchen creating a better flow as well as enlarging it to accommodate four children. The only way to enlarge the kitchen is to bump it out toward the deck. The deck is deteriorating so they would like to remove it and build a stone patio in the existing location to tie in with renovations done to the front of the house. They would also like to add a hot tub, outdoor kitchen along with landscaping to create privacy around the deck. Open to the public with no comments.

The Board felt the location of the house with the drainage easement on a corner lot was a hardship for the applicant. The addition will not encroach into the side setback any further than the existing garage. This design will add a lot of aesthetic curb appeal and privacy for the applicant on a very busy corner. The applicant must get a Permit by Rule from the DEP Flood Hazard Program before any construction would be permitted.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Sobieski

AFFIRMATIVE: Bennett, Barnett, Sobieski, Wagar, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

Application ZB828 – Ferilito – Block 51, Lot 2.01 – 264 Route 537

Application to relocate existing 9' piers and 9.5' gate from Lot 2.02 to Lot 2.01. Variances are required to permit 9' piers and 9.5' gate where 7' is the maximum permitted and a total lot coverage of 16.73 % where 16.73% is permitted by variance. Time to February 3, 2010

Five items were marked as exhibits – zoning review, application, variance plan, Architectural Review report and three photos mounted. John Giunco, Esq. represented the applicant. Mr. Giunco told the Board the applicant wants to relocate existing gates approximately 210' to the north.

A.J. Garito, Engineer – sworn. The property is almost three acres surrounded by Due Process Golf Course. The driveway is shared with the golf course but the gates are after the entrance to Mr. Ferilito's home. There are a lot of cars that drive in trying to get onto the golf course and stop at the gates and then turn around in Mr. Ferilito's driveway. To improve the security for the Ferilito home they would like to remove the existing piers and gate and install them before the house. The gates will still be 180' from Route 537. There is heavy landscaping along Route 537, you will not be able to see the gates from the road. The bricks and gates will all be reused to build in the new location. Open to the public with no comments.

The Board felt due to the size of the lot, extensive landscaping and security issues it was reasonable for the applicant to be able to reuse the existing piers and gates.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Barnett

AFFIRMATIVE: Bennett, Barnett, Sobieski, Wagar and Yodakis,

NEGATIVE: Goubeaud and Hesslein

ABSTAIN: None

Application ZB833 – Lazzaro – Block 12, Lot 20 – 5 White Oak Drive

Application to remove and reconstruct inground swimming pool and patio. A variance is required to permit a total lot coverage of 31.5% where 20% is the maximum permitted and 32.56% currently exists.

Six items were marked as exhibits – zoning review, application, variance plan, mounted tax map, mounted color variance/pool plan and a mounted board with six photos.

Randy Lazzaro, applicant and A.J. Garito, Engineer – both sworn. Mr. Garito told the Board this is a 200' x 200' one acre undersized lot with an existing pool and patio. Mr. Lazzaro told the Board he purchased the property seven years ago exactly as it is. The pool is 30 years old and needs extensive repairs, Mr. Lazzaro feels it is more cost effective to remove the pool and build a new one. The property currently exceeds the permissible lot coverage so they are proposing a smaller pool and patio,

reducing the total lot coverage by 1%. Currently the pool is 13' from the house, he will make the new pool 20' from the house, eliminating for the need of a second variance. Open to the public with no comments.

The Board felt the applicant tried to reduce the current coverage by building a smaller pool and patio. He has a hardship with an undersized lot and pre-existing conditions. He is actually making the situation a little better.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Bennett

AFFIRMATIVE: Bennett, Barnett, Sobieski, Wagar, Yodakis, Goubeaud and Hesslein

NEGATIVE: None

ABSTAIN: None

Application ZB830 – Cruz – Block 5, Lot 11 – 6 Eaglenest Drive

Application demolish an existing single family dwelling and construct a new dwelling. Variances are required to permit a front yard setback of 81.62' where 98' is required and a side yard setback of 58.44' where 73' is required.

Eight items were marked as exhibits – zoning review, application, variance plan, elevation floor plans, architectural plans, mounted tax map, photoboard with six photos and a mounted color variance plan.

Evaristo Cruz, Jr., applicant and A.J. Garito, Engineer – both sworn. Mr. Cruz recently purchased a 6.3 acre lot with an existing, vacant home. He would like to demolish the existing house and utilize the foundation to build a new house. The only difference in the new foot print is he would like to add a garage to the side of the home; this makes the 90' rule apply. The side of the home adjacent to the neighbor remains the same with the neighbors horse paddock between homes. If the 90' rule did not apply, the house would be in a conforming location. Open to the public with no comments.

When asked why the home could not be moved to eliminate the variance, Mr. Cruz stated it could but he would like to eliminate the additional cost by utilizing the foundation. Mr. Anfuso told the Board that since the applicant is retaining the existing foundation, the proposed construction would not be classified as a new single family dwelling thereby not triggering a growth share obligation.

The majority of the Board felt that the benefit of eliminating the growth share obligation was a justification of granting the variance as well as the size of the property and the fact that there was a reasonable buffer between the house and property line.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Sobieski

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

NEGATIVE: Sobieski

ABSTAIN: None

Application ZB829 – Petillo – Block 16, Lot 33.10 – Homestead Drive

Application to construct a new single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 7.1% where 6 % is the maximum permitted.

The applicant did not notice for this evenings hearing. This application is rescheduled to December 17, 2009 and the applicant will have to notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 9:45 p.m. to adjourn the meeting, seconded by Mr. Hesslein and unanimously carried.

I hereby certify that the November 19, 2009 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on December 17, 2009.

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