

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
DECEMBER 18, 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, Barnett, Burry, Yodakis, Sobieski, Megerle and Wagar

ABSENT: McGarry and Behrens

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

Approval of Minutes

Motion to Approve the Minutes of November 20, 2003:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: Bennett, Burry, Yodakis, Sobieski and Wagar

NEGATIVE: None

RESOLUTIONS:

Application ZB608 – Pasquale – Block 7.20, Lot 11 - 47 Mulberry Lane

Memorialization of Resolution granting approval to withdrawing the application without prejudice.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: Yodakis

AFFIRMATIVE: Bennett, Yodakis and Wagar

NEGATIVE: None

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

Memorialization of Resolution granting approval to construct a gable roof over the one story flat roof area with the condition that the deck be removed. A Variance is required to retain a rear setback of 34.8' where 50' is required.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: Bennett, Burry, Yodakis and Wagar

NEGATIVE: None

Application ZB624 – Stalzer – Block 35, Lots 7 & 23 – 17 Wide Horizons Drive

Memorialization of Resolution granting a Use Variance and Preliminary and Final Major Subdivision Approval for a lot line adjustment in an A-1 cluster development.

Motion to Approve the Resolution:

OFFER: Sobieski

SECOND: Burry

AFFIRMATIVE: Bennett, Burry, Yodakis, Sobieski and Wagar

NEGATIVE: None

Application ZB627 – Thompson – Block 34, Lot 16.08 – 22 Orchard Lane

Memorialization of Resolution granting approval for addition to the existing dwelling in the AG Zone. Variances are required to permit a front setback of 146' where 204' is required.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: Burry

AFFIRMATIVE: Bennett, Burry, Yodakis, Sobieski and Wagar

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Review of 2004 meeting dates and approval of January Reorganization meeting date.

The Board agreed the date of the reorganization and regularly scheduled meeting would be held on Thursday, January 15, 2004.

Appointment of Nominating Committee

Chairman Bennett appointed a nominating committee consisting of Pete Wagar and Bernie Behrens.

APPLICATIONS: Old Business:

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 25.4' where 40' is required.

Three new items were marked as exhibits – Board of Health review, Architectural Review report and plot plan and elevation drawing. Mr. Pardee explained to the Board that he met with the Architectural Review Committee and their only concern was that he use natural materials. The Board questioned whether dryvit was a natural material but Mr. Pardee stated that he told the Architectural Review Committee that he was using dryvit and they approved it. Mr. Pardee next explained that he met with the Health Officer, Mr. McBride, who was concerned with the separation between the pool house and well. Mr. McBride stated that the minimum separation he would be comfortable with would be a 15' but stated anything less than that could be constructed however it would be at his own risk. Mr. Pardee stated he was comfortable moving the pool house 9'9" from the well and he would need a variance for 24' from the rear property line. He reduced the decking around the pool house reducing the size and confirmed that the bathroom only has access from the outside. Open to the public with no comments.

The Board was pleased that the applicant made an effort to try to conform but they were still concerned. The Board agreed that if the separation between the pool house and well was not a mandatory regulation that it be close enough for a 25'4" rear setback. The applicant agreed not to encroach in the greenway.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: Sobieski

AFFIRMATIVE: Bennett, Burry, Yodakis, Sobieski and Wagar

NEGATIVE: Barnett

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.

Two new items were marked as exhibits – a series of eight photos and a survey depicting the fence. Mrs. Afonso, applicant and Mr. Kinney from Kinney Pools addressed the Board. Mrs. Afonso told the Board that the adjoining properties to the rear were elevated approximately six feet higher than her property. The applicant did not change the plans but had the property staked out depicting the location of the proposed pool so that the Board could visit the site. The members who visited the site expressed concern that the adjoining neighbors where the pool is proposed are very close. A black jerith fence is proposed around the pool.

Open to the public with no comments. The Board felt that the applicant was asking for an excessive deviation to the required setbacks. It was felt that the pool and fencing was very close to neighboring property and homes. The applicant understood the Boards concerns and asked to carry this application so that they can revise the plans. This application is carried to the February 19, 2004 with no further notice.

Application ZB627 – Thompson – Block 34, Lot 16.08 – 22 Orchard Lane

Application to remove the existing inground pool and pool cabanas and construct a new inground pool and cabana in the AG Zone. Variances are required to permit a covered porch rear setback of 45' where 54' is required, a cabana rear setback of 15' 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 10.2% where 5% is the maximum permitted, a total lot coverage of 31.23% where 10% is the maximum permitted.

This application was not heard and requested to be carried to the January 15, 2004 meeting with no further notice.

APPLICATIONS: New Business

Application ZB629 – Vukovich – Block 48, Lots 25.01 & 26 – Route 537 East

Application for an interpretation of the Zoning Ordinance or in the alternative a Use Variance for a two family dwelling in the AG Agricultural District.

John Giunco, Esq. represented the applicant. Ten items were marked as exhibits – the application, architectural plans, site plan, lighting plan, series of six photos, Township Planners report, Township Engineer’s report, Architectural Review report, Fire Prevention report and a photoboard with maps and photos.

Mr. Giunco explained that Mr. Vukovich owns approximately 58 acres and also owns the adjoining property (approximately 100 acres) where he is constructing a thoroughbred breeding farm. It is his intent to convert the second story of the garage into a dwelling to house either a family member or employee. Mr. Jack Wright, architect/designer – sworn. Mr. Wright explained the layout of the home and explained it has a fire sprinkler throughout. There is backup power to be assured that the sprinklers work and a large pond in front of the home as a backup water source. The owner has gone to great expense in building the home and entire complex and does not wish to put a mobile home on the property that would be permitted. Open to the public with no comment.

Mr. Giunco, Esq. withdrew the request for interpretation. Andrew Janiw, planner – sworn. Mr. Janiw explained that no bulk variances are required for this application and that the applicant would be permitted to put a mobile home or separate 900 s.f. dwelling for help to reside. This property is very unique and isolated and would permitting this would not have a negative impact. It was Mr. Janiw’s opinion that developing the property as a thoroughbred Breeding Farm is pursuing the intent of the Master Plan. If this property were to be developed six to eight homes could easily be constructed, however it is being preserved as open space.

The Board was concerned with the review letter from the Fire Marshall stating that when the variance was given for the height of the home, it was agreed that the upstairs of the garage would never be a dwelling. Mr. Janiw stated that he reviewed the files in the Planning Board office and there were no documents supporting this. Mr. Anfuso stated that he had gone through the files with Mr. Janiw and this was not mentioned in the Fire Prevention review letter for the height variance nor was it a condition of approval in that resolution.

The Board felt the applicant has gone to great expense to sprinkle the entire home as well as installing backup systems and would want to protect their home and the fire fighters. It was agreed that an as-built would be provided to the fire department as well as a sight visit so that they would be familiar with the large home. The Board felt that this property was unique and warranted a quarters for help to live.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Wagar

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

NEGATIVE: None

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

Application to construct a front porch, two additions and pool cabana. Variances are required to permit a front setback of 98’ where 228’ is required for a porch and 119’ and 102’ for the two additions where 228’ is required. Proposed side setbacks of 47’ and 40’ where 54’ is required, a proposed building coverage of 7.3% where 5% is the maximum permitted and a total lot coverage of 16% where 10% is the maximum permitted.

Due to the hour this application was not heard and carried to the January 15, 2004 meeting with no further notice.

Application ZB632 – LaLima – Block 29, Lot 1/1 – 152 Bucks Mill Road

Application to install a 6' high fence in the front yard where 4' is the maximum height permitted.

Due to the hour this application was not heard and carried to the January 15, 2004 meeting with no further notice.

DISCUSSION ITEMS:

The Board discussed the draft 2003 Annual Report. The Board felt that the height of piers should be left as it currently is so that they can review each application and make a determination on each individual case. The Board was very concerned with the size and makeup of pool cabanas that are being built. They are also requesting the Township Committee rezone Orchard Lane as an A-1 Cluster and lastly that more enforcement is needed.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett to adjourn the meeting at 11:20 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 December 18, 2003 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on January 15, 2004.

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