

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
DECEMBER 16, 2004 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, McGarry, Barnett (8:05 p.m.), Behrens, Burry, Yodakis, Sobieski (8:10 p.m.), Wagar and Goubeaud

Absent: None

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

Approval of Minutes

Motion to Approve the Minutes of November 18, 2004:

OFFER: McGarry

SECOND: Wagar

AFFIRMATIVE: Bennett, McGarry, Behrens, Burry, Yodakis, Wagar and Goubeaud

NEGATIVE: None

RESOLUTIONS:

Application ZB616 – Baldo – Block 35, Lot 22.20 – 22 Rivers Edge Drive

Memorialization of Resolution granting approval to install an inground pool. A variance is required to permit total lot coverage of 23.82% where 20% is the maximum permitted and 22.92% currently exists.

Motion to Approve the Resolution:

OFFER: Wagar

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Behrens, Burry and Yodakis

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Chairman appointment of Nominating Committee for Year 2005 Reorganization

Chairman Bennett appointed a nominating committee consisting of Carol Barnett and Diana Goubeaud.

Review 2005 meeting dates. Approval of January 2005 Reorganization meeting

Mr. Behrens made a motion that the date of the reorganization and regularly scheduled meeting would be held on Thursday, January 20, 2005 and was seconded by Ms. McGarry and unanimously carried.

Application ZB509 – Cowdry Woods – Block 51, Lot 1 – Hockhockson Road

Request for two consecutive one-year extensions of time. The extension will begin January 17, 2004 and expire January 17, 2006.

Mr. Ed Rosen, Esq. explained to the Board that this application was approved in January 2002 but was still tied up in litigation for approximately a year. The subdivision is perfected and construction has begun but another year is needed to get building permits for the remaining homes.

Motion to Approve the Extension of Time:

OFFER: McGarry

SECOND: Barnett

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

NEGATIVE: None

Application ZB609 – Verizon – Block 13, Lot 49 – Crine Road

Request for a one-year extension of time to the approved variances. The extension will begin November 20, 2004 and expire November 20, 2005.

Mr. Stanzone, Esq. advised the Board that the only outstanding item is the Bond. The Township Engineer is in the process of reviewing it at this time. Once this is complete the permits can be issued. Mr. Anfuso concurred.

Motion to Approve the Extension of Time:

OFFER: Burry

SECOND: Yodakis

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

NEGATIVE: None

APPLICATIONS: Old Business:

None

APPLICATIONS: New Business

Application ZB664 – Pasternack – Block 16, Lot 53.17 – 7 Old Stable Way

Application to construct an inground swimming pool. A variance is required to permit total lot coverage of 21.92% where 20% is the maximum and 20.65% currently exists.

Mike Bruno, Esq. represented the applicant. Five items were marked as exhibits – zoning review, application, variance plan, Fire Prevention Bureau report and a photoboard with the site plan and five photos. A.J. Garito, P.E. – sworn.

Mr. Garito advised the Board that they modified the original submission by reducing the area around the pool in an effort to reduce the lot coverage, they are currently .65% over the permissible lot

coverage. There are existing large spruce trees surrounding the property that make this a very private yard. Many of neighboring properties have pools.

Open to the public. Mel Pasternack, owner – sworn. Mr. Pasternack stated that he purchased this home from the builder with the existing large horseshoe driveway, he did not have a choice. Lloyd Petillo, realtor – sworn. Mr. Petillo stated that he did not feel what they were requesting was excessive and it fit in with the neighborhood.

Mr. Bruno explained that the Pasternack's have their home up for sale and the contract buyer has young children and would like to install a pool. The Board was very concerned with the lot coverage and felt that there were choices that could be made to reduce the existing lot coverage. The applicant requested the members make a visit to the site to see that it is not obtrusive. The Board agreed to do this. This application is carried to the January 20, 2005 meeting with no further notice.

Application ZB665 – Battista – Block 12, Lot 2.01 – 4 Bellaire Court

Application to construct an inground swimming pool and cabana. Variances are required to permit a front yard setback for the cabana of 97' where 125' is required and a front yard setback 91.5' for the pool where 125' is required.

Lani Lombardi, Esq. represented the applicant. Six items were marked as exhibits – zoning review, application, variance plan, report from Fire Marshall, color mounted variance plan with four photos with a concept plan on the back and a mounted tax map.

A.J. Garito, Engineer – sworn. Mr. Garito explained that this lot is approximately three acres but is very unique because it has a 75' landscape easement along Dutch Lane (the rear of the property) and a detention basin in the front. There is an existing berm along the back with extensive landscaping. Although the pool cabana could be placed in a conforming location, three substantial trees would have to be removed. Victor Battista, owner – sworn. Mr. Battista explained that during the construction of his home he went to great lengths to save these trees and he wants to keep them. Open to the public. Dennis Natsis, 1 Lexington Court – sworn. Mr. Natsis is the adjacent neighbor and he felt that the trees are very special. It is his hope that the trees would be saved, as they are a benefit to the neighborhood and can not be replaced.

The Board felt the proposed pool cabana was in the best location and was well thought out. Due to the size of the property, the extra buffer due to the landscape easement and keeping the trees the Board felt the benefits outweighed the request for a variance. The Board made it clear that they wanted the trees to remain and that the cabana could not be used as a dwelling.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: McGarry

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

NEGATIVE: None

DISCUSSION ITEMS:

The Board reviewed items they would like to see in the 2004 Annual Report.

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. Sobieski 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 16, 2004 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on January 20, 2005.

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