

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
DECEMBER 15, 2005 AT 8:00 P.M.**

Mr. Sobieski called the meeting to order by reading the following statement: "As Vice-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: Sobieski, Barnett, Bennett, Karch, Wagar, Yodakis, Goubeaud and Saavedra

Absent: Burry

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

Approval of Minutes

Motion to Approve the Minutes of November 17, 2005:

OFFER: Barnett

SECOND: Goubeaud

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of resolution granting a one year extension of time to the approved Variance. The extension will begin February 17, 2006 and will expire February 17, 2007

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Saavedra

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

NEGATIVE: None

Application ZB703 – High – Block 16, Lot 52 – 115 Heulitt Road

Memorialization of resolution granting approval to remove an existing barn and construct a new 38' x 58' barn in the A-1 Zone. Variances are required to permit a side yard setback of 70' where 100' is required and 65' currently exist and a building separation of 10' where 20' is required and 2' currently exist.

Motion to Memorialize the Resolution:

OFFER: Saavedra

SECOND: Barnett

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Chairman appointment of Nominating Committee for Year 2006 Reorganization

Vice-Chairman Sobieski appointed a nominating committee consisting of Bruce Bennett and, Christine Saavedra.

Review 2006 meeting dates. Approval of January 2005 Reorganization meeting.

Mr. Wagar made a motion that the date of the reorganization and regularly scheduled meeting would be Thursday, January 19, 2006 and this was seconded by Ms. Barnett and unanimously carried.

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

Request for a third one-year extension of time. The extension will begin January 17, 2006 and expire January 17, 2007.

Chris Goione, President of Aspen Building Corporation, explained to the Board that although this application was approved in 2002 it was tied up in court for quite a while. At this time five out of the ten building permits have been issued and 85% of the improvements have been completed.

Mr. Anfuso explained there were three zoning changes that would effect this subdivision, but granting the extension would allow it to be completed uniformly.

Motion to Approve the Extension:

OFFER: Saavedra

SECOND: Wagar

AFFIRMATIVE: Sobieski, Barnett, Bennett, Karch, Wagar, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

EXECUTIVE SESSION

Motion to go into an Executive Session:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Sobieski, Barnett, Bennett, Karch, Wagar, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

Christine Saavedra left.

APPLICATIONS: Old Business:

Application ZB694 – Ciccone – Block 13, Lot 26 – Heyers Mill Road

Application for an addition to a single family dwelling in the A-1 Zone. Variances are required to permit a side setback of 38.16' where 40' is required, building coverage of 9.69% where 6.6% is the maximum and total lot coverage of 20.72% where 20% is the maximum permitted.

A letter was received from the applicant requesting this application be carried and granting an extension of time to February 28, 2006. This application is carried to the January 19, 2006 meeting with no further notice.

APPLICATIONS: New Business

Application ZB693 - Lopes – Block 17.01, Lot 10.19 – 25 Country Club Lane

Application to construct a storage shed in the AG Zone. A variance is required to permit a total lot coverage of 15.62% where 15% is the maximum permitted.

James Clarkin, Esq. represented the applicant. Mr. Clarkin explained that the applicant was in front of this Board in the summer to expand the garage. Numerous variances were needed and neighbors were not favorable. The application was withdrawn and now a new application has been filed requiring only one variance.

Eight items were marked as exhibits – zoning review, application, Fire Prevention Bureau review, Architectural Review report, Board of Health review, survey/site plan, architectural elevation plans and a photo of proposed shed. Joann Lopes, owner – sworn. Mrs. Lopes stated that they have five vintage/antique cars and three children who all drive, requiring a lot of garage space. The intent of this application is to remove all items from the garage, only storing cars in it, no car repairs will be done. A storage shed will be constructed to store all miscellaneous items that are now stored in the garage.

John Brower, Architect – sworn. Mr. Brower reviewed the proposed shed and stated that there would not be any electric or water. The storage shed will be used to store pool items, etc. that are currently in the garage. Landscaping will be used as a buffer. Open to the public with no comment.

The Board felt the applicant took into consideration all the concerns that the Board previously had and came up with a good solution. The Board conditioned the approval on the fact that the applicant build the shed as proposed.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Yodakis

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

NEGATIVE: None

Application ZB702 – LoPiccolo – Block 35.04, Lot 17 – 27 Rimwood Lane

Application to construct a two story addition in the A-1 Zone. A variance is required to permit a 6.59% building coverage where 6% is the maximum permitted.

Dominic LoPiccolo, applicant – sworn. Five items marked as exhibits – zoning review, application, plot plan, elevations and Architectural Review report. Mr. LoPiccolo explained that his mother-in-law lives with them and has the master suite downstairs. Between his wife, himself and two boys they all have to share one bathroom, this is getting very difficult as the boys are now teenagers. He wants to add a new garage and extend their bedroom and add a bathroom. Open to the public with no comment.

The Board could understand the need for a second bathroom for the family and felt the addition was tucked in and visually appealing.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

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

NEGATIVE: None

Application ZB704 – Kiechlin – Block 29.12, Lot 4 – 29 New Street

Application to construct an addition to an existing one story dwelling in the A-3 Zone. A variance is required to permit a 37.13' front yard setback where 75' is required and 42' currently exist.

Susan and Vincent Kiechlin, applicants – both sworn. Five items were marked as exhibits – zoning review, application, architectural plans, elevations and Architectural Review Committee review. The Kiechlin's purchase this home in 1998 when it was only the two of them, they now have three children and only one bathroom. They have been working with an architect and this proposed addition requires the least variances.

The Board felt this was a modest addition and noted that the existing house is currently built within the front yard setback.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

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

NEGATIVE: None

Application ZB705 – Buono – Block 23, Lot 5.03 – 5 Brittany Drive

Application to construct an addition to an existing single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 6.74% where 6% is the maximum permitted and 6.27% currently exists.

Jim Collins, Esq. represented the applicants. Michelle and Frank Buono, applicants – both sworn. Six items were marked as exhibits – zoning review, application survey, architectural plans, a series of seven photos and a letter dated December 2, 2005 from Mr. & Mrs. Zito.

The Buono's purchased this home four years ago. They are not happy with a center island stove and feel it is unsafe. The kitchen is small and there is not enough room to get around the island safely. They have had kitchen designers look at the kitchen to try and reconfigure it, but were not able to do it without expanding it. Because of the roof line and the size required, the addition could not be made any smaller. Open to the public with no comments.

The addition can only be seen from the backyard and the property line is heavily screened. Some of the Board members felt that the kitchen was very small and out of proportion with the house and the requested addition was modest.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Yodakis

AFFIRMATIVE: Barnett, Bennett, Karch, Yodakis and Goubeaud

NEGATIVE: Sobieski and Wagar

DISCUSSION ITEMS:

Review of year 2005 Annual Report. Mr. Anfuso summarized the applications heard and the Board's decisions in 2005. He also requested if the Board had specific recommendations for ordinance amendments that should be forwarded to the Township Committee. The Board expressed concern that actual buildings being constructed are not following the plans submitted to the Township. Therefore, it was recommended that a certification be provided by a licensed professional stating that the size of the structure and setbacks are correct and are in accordance with the plans approved by the Building Department.

During the course of the year the Board has heard applications requiring a variance from the 20' separation distance between structures. This separation requirement is based on the Fire Department's need to safely ladder a building. However, it was noted that this 20' separation requirement does not apply to decks or raised terraces. Occasionally the Fire Department has had problems where the width of the deck conflicts with the required landing area to ladder a building. Therefore, the Board decided to recommend that Township Ordinances be amended to provide an unobstructed laddering landing area pursuant to National Fire Safety Standards completely around a building.

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 9:35 p.m. to adjourn the meeting, 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 15, 2005 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on January 19, 2006.

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