

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
DECEMBER 21, 2006 AT 8:00 P.M.**

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

ABSENT: None

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

Approval of Minutes

Motion to Approve the Minutes of November 16, 2006:

OFFER: Wagar

SECOND: Saavedra

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

NEGATIVE: None

RESOLUTIONS:

Application ZB732 – Wilson – Block 9, Lot 23 – 23 Blackbriar Drive

Memorialization of resolution to construct a one story garage addition in the A-1 Zone. A variance is required to permit a front yard setback of 71.2' where 75' is required.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Yodakis

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

NEGATIVE: None

Application ZB735 – Jacono – Block 7.07, Lot 24 – 2 Fernwood Court

Memorialization of resolution to demolish the existing dwelling and construct a new single family dwelling in the A-2 Zone. Variances are required to permit a frontyard setback of 28' where 80' are required and a rear setback of 40.59' where 45' is required.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Yodakis

AFFIRMATIVE: Burry, Barnett, Yodakis, Goubeaud and Saavedra

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Review 2007 meeting dates and adopt January meeting.

Mr. Wagar made a motion that the date of the reorganization and regularly scheduled meeting for January would be Wednesday, January 17, 2007 and this was seconded by Mr. Yodakis and unanimously carried.

Appoint Nominating Committee

Chairman Burry appointed a nominating committee consisting of Christine Saavedra and Bruce Bennett.

Annual Report

There were no comments on the draft Annual Report. It will be finalized and presented for adoption at the January meeting.

Appointment of Conflict Engineer/Planner

Mr. Anfuso explained that an application is in the process of being prepared by Glenn Gerken, Township Engineer, on behalf of the Township. A Conflict Engineer/Planner should be appointed to review the application and represent the Board.

Motion to Appoint Peter Avakian as Conflict Engineer:

OFFER: Barnett

SECOND: Sobieski

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

NEGATIVE: None

APPLICATIONS: Old Business

Application ZB727 – Forefront Homes – Block 38, Lot 15.01 – 321 Lakeside Avenue

Application to construct a single family dwelling in the A-1 Zone. Variances are required to permit a proposed lot area of 68,161 s.f. where 88,000 s.f. is required, proposed zero lot frontage where 300' is required, proposed lot width of 159' where 300' is required and the issuance of a building permit to a lot that does not have frontage on an improved municipal street.

Bruce Bennett recused himself from this application. Six new items were marked as exhibits – review letter from Township Engineer, letter from Todd Edwards, two board mounted conceptual layouts, tax map and a photoboard with nine photos.

Robert Curley, Esq. represented the applicant. Mr. Curley reminded the Board this lot was created by testamentary. They met with Bob Zander regarding the access for emergency vehicles and amended the access according to his recommendations.

Regarding the bald eagle nest, they have spoken to Mr. Edwards and agree to work with him. An LOI was received from the State so there should not be any problems.

Tom Pacheco, 31 Joseph Street, Manalapan – sworn. Mr. Pacheco has purchased the adjacent Lot 15.02 and plans on building a new modest size home. He is agreeable to the construction of a turnaround and an easement for emergency access on his lot. Mr. Pacheco is happy with the plans of a modest home that Forefront Homes is proposing and feels in is in-keeping with the character of the neighborhood.

Open to the public with no comments. The Board thought the proposed home was very nice and appreciated the applicant building a smaller home, more befitting the neighborhood. Even though they felt this was a self created hardship they understood they must treat this application just like any other undersized lot application. The variances being requested were much greater than anything they felt comfortable granting.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Barnett

AFFIRMATIVE: None

NEGATIVE: Burry, Sobieski, Karch, Wagar, Yodakis and Goubeaud

Application ZB734 – Graziano – Block 23, Lot 23.01 – 29 Lake Drive

Application to construct an inground pool in the A-1 Zone. Variances are required to permit side yard setback of 25’ where 40’ is required and a pool and deck separation of 10’ where 20’ is required.

Chris Kramer and Emanuel Graziano both sworn. Four new items were marked as exhibits – zoning review, letter from Twin Industries to Julie McGowan, letter from Twin Industries to Bob Zander and a report from our Landscape Architect.

Mr. Kramer explained he hired a new landscape architect and the layout has been redesigned which reduced his variances he is requesting. Open to the public. Michael and Paula Freddo both sworn. The Freddo’s are the adjoining property owners who were concerned with the screening of the pool from their property since they were requesting a reduced setback. The applicant explained significant trees and landscaping will be added to buffer and shield the properties. The Board conditioned their approval that the Fire Marshall and Shade Tree Commission must be satisfied.

Motion to Approve the Application:

OFFER: Saavedra

SECOND: Wagar

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

NEGATIVE: None

APPLICATIONS: New Business:

Application ZB733 – Cappello – Block 50, Lot 21 – 92 Obre Road

Application to construct first and second story additions, deck covered porch and detached garage in the AG Zone. Variances are required to permit a frontyard setback of 68’ where 200’ is required and 59’ exists, an accessory frontyard setback of 108’ where 200’ is required, building coverage of 7% where 5% is the maximum and total lot coverage of 20% where 10% is the maximum.

Don Burry and Pete Wagar both recused themselves from this application and the meeting was turned over to Vice Chairman Sobieski.

Thomas Cappello, applicant - sworn. Five items were marked as exhibits – zoning review, application, site plan and floor plan, Board of Health review and Architectural Review report. Mr. Cappello explained they moved into this home in 1999, which is in a secluded area next to Route 18 and across from the Obre Preserve. The home is currently 1900 s.f. and they would like to turn the existing garage into living space, add a small addition and build a new detached garage, making the new home approximately 2700 s.f. The home is on less than an acre in an AG zone, making this an undersized lot. It would be impossible for them to do any addition without requiring a variance, the entire home is within the front yard setback.

The Board felt this was a modest addition that was improving an existing condition. The applicant had a true hardship with this lot being part of the AG zone.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Yodakis

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

NEGATIVE: None

Application ZB736 – Gregorio – Block 23, Lot 5.08 – 3 Talleyrand Drive

Application to construct a second story over one story section and a two story addition to an existing single family dwelling in the A-1 Zone. Variances are required to permit a side yard setback of 45.3' where 48' is required, a rear setback of 50' where 58' is required and a building coverage of 7.63% where 6% is the maximum permitted.

Mr. Wagar left the meeting. Angela and Robert Gregorio, applicants – sworn. Frank Montarello, architect – sworn. Tim Anfuso amended his zoning review - the applicants are requesting a building coverage of 6.6% where 6.13% currently exists. Although a variance is not needed for total lot coverage, they are proposing 13% where 20% is the maximum permitted.

The Gregorio's explained they have an odd shaped lot that is at the end of a cul-de-sac. Because of the way the 90' rule is calculated any addition would require a variance. They want to move their master bedroom which is currently downstairs, upstairs and convert the current master bedroom to a recreation room. To accomplish this they tried to square off the home on one side to make it aesthetically pleasing. Open to the public with no comments.

Although the Board understood the odd shape of the lot, they felt more could be done to reduce the variances. The applicant requested to come back next month to see if there is any more they could do. This application is carried to the January 17, 2007 meeting with no further notice.

Application ZB737 – Schoch – Block 6, Lot 10.08 – 9 Berkley Place

Application to convert the existing garage into a recreation room and to construct a new garage. Variances are required to permit a front yard setback of 80.9' where 102' is required, a side yard setback of 40' where 67' is required and a building coverage of 6.5% where 6% is the maximum permitted.

Jim Collins, Esq. represented the applicants. Jennifer and Dave Schoch – sworn. Seven items were marked as exhibits – zoning review, application, architectural site plan, survey, Architectural Review letter, Board of Health report and eight letters from neighbors.

Mr. Schoch explained they have three boys ages 8, 5 and 3. They would like to convert the existing garage into a recreation room for the boys and construct a new three car garage to store pool equipment, toys, bikes and both of their vehicles. Their home is approximately 3,800 s.f. which is the smallest of the homes in their neighborhood that are all 6,500 – 8,000 s.f. in size. They spoke to all of their neighbors regarding what they are proposing and no one had any objections.

Open to the public. Stuart Levin, 10 Berkely Place – sworn. Mr. Levin lives across the street from the Schoch's and has no objections to the proposed addition. Mr. Levin agreed the Schoch's home is smaller than the other homes, stating his home is approximately 5,200 s.f.

The Board was concerned with the sideyard setback and building coverage and did not feel there was any real hardship. Mr. Collins requested the application be carried so they could investigate how they could reduce the variances be requested. This application is carried to the January 17, 2007 meeting with no further notice.

Application ZB738 – Volk – Block 40, Lot 1.04 – 4 Steeplechase Court

Application to construct a raised terrace. A variance is required to permit a rear yard setback of 28' where 50' is required.

Paul Volk, applicant and Dan Burke, contractor both sworn. Three items were marked as exhibits – zoning review, application and as-built survey. Mr. Burke explained the Volk's wanted to construct a raised terrace. He designed the placement of the terrace based on the entrance to the kitchen. Open to the public with no comments.

The Board felt the 895 s.f. terrace would be visible from a wide variety of viewpoints and 28' from a property line is very close without any hardship. The applicant understanding the feeling of the Board requested to withdraw his application without prejudice.

Motion to Dismiss the Application Without Prejudice:

OFFER: Barnett

SECOND: Barnett

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

NEGATIVE: None

Application ZB730 – LoBraico – Block 45.02, Lot 2 – 25 Salem Drive

Application for a second story and rear additions to a single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 7.16% where 6.6% is the maximum permitted.

Due to the hour this application is carried to the January 17, 2006 meeting with no further notice.

DISCUSSION ITEMS:

The Board requested Mr. Steib review the reasons for granting variances. Mr. Steib explained bulk variances can either fall into a C1 or C2 category. C1 is where something is unique to the property such as the size, shape or topography that prevents compliance with the Zoning Ordinance. C2 is a

planning variance stating there is something unique about a property and that by deviating from the zoning it is a better planning solution. In general, the positive aspects of the application outweighs the negative aspects. A Use Variance must either demonstrate a property is particularly suited for the intended use, demonstrate a hardship that the property is unsuitable for anything else or that it is an inherently beneficial use.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 11:10 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 December 21, 2006 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on February 15, 2007.

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