

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
DECEMBER 20, 2007 AT 8:00 P.M.**

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

ABSENT: None

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

Approval of Minutes

Motion to Approve the Minutes of November 15, 2007:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Barnett, Bennett, Burry, Karch, Wagar and Goubeaud

NEGATIVE: None

RESOLUTIONS:

Application ZB707 – Aragno – Block 1.01, Lot 18 – 45 Clover Hill Road

Memorialization of resolution granting a one year extension of time to the approved variance. The extension of time will begin April 20, 2007 to April 20, 2008.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Barnett, Bennett, Burry, Karch, Wagar and Goubeaud

NEGATIVE: None

Application ZB773 – Whelan Custom Homes – Block 41.01, Lot 5.10 - 2 Messenger Drive

Memorialization of resolution granting approval to construct a single family dwelling in the AG Zone. A variance is required to permit a proposed front yard setback of 85.5' where 95' is required.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Karch

AFFIRMATIVE: Barnett, Bennett, Burry, Karch and Wagar

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Review 2008 meeting dates and adopt January meeting

Mr. Burry made a motion that the date of the reorganization and regularly scheduled meeting for January would be Thursday, January 17, 2008 and this was seconded by Mr. Yodakis and unanimously carried.

Appoint Nominating Committee

Chairman Sobieski appointed a nominating committee consisting of Don Burry and Geoff Karch.

APPLICATIONS: Old Business

Application ZB756 – Pagliano – Block 38, Lot 13 - 240C Swimming River Road

Application to retain an addition and new second floor to a 34' x 24' detached garage. Variances are required to permit a front yard setback of 14.9' where 100' is required, a total floor area of 1,386 s.f. where 1,200 s.f. is the maximum permitted and to allow the issuance of a building permit to a lot that does not front on a municipal street.

The Board received a letter from Mr. Pagliano stating he was hiring an attorney and would not be ready to be heard this evening. This application is carried to the January 17, 2008 meeting with no further notice.

Application ZB774 – Mavica – Block 12.01, Lot 12 – 37 Acorn Place

Application to demolish the existing dwelling, except garage foundation, and construct a new single family dwelling in the A-1 Zone. A variance is required to permit a 3 ½ story dwelling where 2 ½ stories is the maximum permitted.

The Board received a letter from Mr. Mavica stating he was in the process of revising his plans. He requested to be carried to the January meeting. This application is carried to the January 17, 2008 meeting with no further notice.

APPLICATIONS: New Business:

Application ZB772 – Willow Brook Stables – Block 9, Lot 2.01 – 75 Willow Brook Road

Application to construct a riding arena and remove outdoor lighting in the AG Zone. Variances are required to permit a side yard setback of 50.48' where 100' is required and a total lot coverage of 15.22% where 10% is the maximum permitted.

Robert Munoz, Esq. represented the applicant and Ron Gasorowski, Esq. represented neighbors who objected to the application. Fourteen items were marked as exhibits – zoning review, application, minor site plan, architectural plans, Landscape Architect comments, Board of Health comments, letter from Maser Consulting, NJDEP letter, Fire Prevention Bureau comments, Architectural Review comments, mounted color aerial, color mounted site plan exhibit, photoboard with six photos depicting landscaped buffer, photoboard with six photos and the notice of hearing submitted by Mr. Gasorowski.

Jeremy Lange, Engineer/Planner from Maser Consulting – sworn. Mr. Lange explained the applicant lives on an adjoining property on Evergreen Lane. The existing horse farm is approximately 17 acres

where show horses are raised and trained and have been for decades. The layout of the existing farm has been established by the many years it has been in existence. The operation of the farm is not changing; it will simply be able to be utilized year round without having to bare the elements. The proposed indoor riding arena will have a two story observation area with a bathroom and kitchenette. There will be a seven stall parking lot along with a full circulation drive around the arena to give full access as requested by the Fire Marshall. They are also proposing landscaping to further buffer from the adjoining properties.

Mr. Lange cited hardships as the irregular shaped property with requirements for 100' setbacks as very restrictive especially with the decade old established layout. He also stated their application was consistent with the Master Plan by promoting and maintaining farming and agriculture.

Open to the public. Ron Gasorowski, Esq. questioned how this could be a hardship when the prior owner created this subdivision and could have forgone receiving bonus lots by keeping a larger farm lot and less smaller lots. Mr. Lange stated he was not familiar with how the subdivision occurred.

Richard Bonanno, 9 Evergreen Lane asked why the town would even consider this application. Mr. Steib, Esq. explained the Land Use Law states every property owner has the right to make an application and the Board must hear and make a determination.

Due to the hour and number of applications on the agenda, this application is carried to the February 21, 2008 meeting with no further notice.

Mr. Wagar left the meeting.

Application ZB775 – Skudara – Block 41, Lot 26 – 25 Kathleen Drive

Application to construct two additions and a front porch to an existing home in the A-1 Zone. A variance is required to permit a front yard setback of 67' where 78' is required and a building coverage of 8.13% where 6.6% is the maximum.

Mr. Gale, Esq. represented the applicant. Seven items were marked as exhibits – zoning review, application, variance plot plan, elevation/floor plans, Board of Health comments, Architectural Review comments and two photos.

Kevin Skudara, applicant – sworn. Mr. Skudara told the Board they purchased this home about three years ago. With three children they have found the need to do some renovations to the home. The front entrance is not level and is a safety hazard that needs to be corrected. The home is older with a small garage that their cars can not fit it. They would like to build a three car garage to accommodate the vehicles and to use one bay for storage until the children are older and they will most likely have more cars. They also need a play room for the children.

Brian Leff, Planner/Landscape Architect – sworn. Mr. Leff told the Board the street is rural with plenty of mature vegetation. The current home is 93' in width and building a separate garage is not feasible. There are two septic in the back preventing any construction from occurring, they can't even have a pool. The home does not have a basement and the homeowners desperately need more room. They felt this was a modest increase and the property is heavily screened.

Open to the public. Dominic Sozio, 92 Five Points Road – sworn. Mr. Sozio stated his property abuts the side of Mr. Skudara’s property where he is proposing the addition. He stated he understood their need for the addition and concurred the front entrance is very bad. He was all for it.

Although the Board sympathized with the applicant, they did not see the benefit to allow such a substantial overage. They felt the applicant may be able to take another look at their plans and come back with something closer to what is permitted. This application is carried to the March 20, 2008 meeting with no further notice.

Application ZB776 – Strack – Block 5, Lot 1.05 – 13 Eagle Nest Road

Application to construct a pool cabana in the A-1 Zone. A variance is required to permit a front yard setback of 30.5’ where 150’ is required and a side setback of 40’ where 50’ is required.

Daniel Strack, applicant – sworn. Ten items were marked as exhibits – zoning review, application, site plan, Board of Health review, Architectural Review comments, four photo boards showing pool house location and imposed pool cabana and a photo of the existing residence.

Mr. Strack explained this house was in existence before the Eagle Nest subdivision, therefore his backyard is in his front yard. There are existing trees that are approximately 30’ in height that buffer the existing pool. Mr. Strack would like to construct a 25.5’ x 21’ cabana on an existing concrete pad that was a wetbar. There are large sliding glass doors that open to the pool and the structure will not have heat. Open to the public with no comments.

The Board felt the orientation of the property posed a hardship to the homeowner. Most members liked the open nature of the cabana stating it did not feel obtrusive; but some thought it was too close to the property line. All Board members did however feel that more landscaping should be added and made it a condition of approval.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Burry

AFFIRMATIVE: Sobieski, Barnett, Bennett, and Karch

NEGATIVE: Yodakis and Goubeaud

Application ZB777 – Busacca – Block 33, Lot 29 – 60 Creamery Road

Application to construct additions and interior renovations to a single family dwelling in the A-1 Zone. A variance is required to permit a separation between the dwelling and livestock shelter of 22’ where 100’ is required.

Don Burry recused himself from the application. Jim Collins, Esq. represented the applicant. Five items were marked as exhibits – zoning review, variance application, site plan, Architectural Review comments and a letter from Lisa Singer (neighbor). Sal Busacca, contract purchaser of the home – sworn. Mr. Busacca explained they have lived in Colts Neck for many years but they wanted to purchase a place where they would be able to keep their horses. They love the existing home although it does need an addition and to update the kitchen to accommodate their family. They want to preserve the charm of the existing property.

Eric Baker, Architect – sworn. Mr. Baker stated they will maintain and improve upon the existing historical dwelling while adding some much needed space to the existing home. By adding the

addition onto the home it brings the house only 22' from the barn where 100' is required. Currently the separation is 50' but this is the only feasible location to put the addition due to the layout of the property.

Lillian Burry, Historic Preservation Chair – sworn. Ms. Burry stated Creamery Road is sited as a scenic road in the Master Plan for Colts Neck and the homes conform beautifully. The farm previously had horses as does the home across the street and several neighbors. The close proximity of the barn is only to the applicants home and not the neighbors. The property is unique and by allowing the Busacca's to add on to the home it will be an enhancement. Open to the public with no comments.

The Board agreed the property is unique and situated on a very old and charming street. The location of the proposed addition is the only feasible place to put it. Although the separation is too close, it is the applicant that will be affected by any potential negative impacts of the barn.

Motion to Approve the Application:

OFFER: Yodakis

SECOND: Barnett

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

NEGATIVE: None

Mr. Steib, Esq. told the Board he had received a call from the applicants attorney stating the seller was very ill and asking if a resolution could be prepared so that if the application was approved it could be memorialized this evening if the Board chose. This would allow the real estate transfer to take place quickly. Mr. Steib had prepared a resolution if the Board chose to memorialize the application. The Board felt this was a reasonable request.

Motion to Approve the Memorialize the Resolution:

OFFER: Saavedra

SECOND: Barnett

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

NEGATIVE: None

DISCUSSION ITEMS:

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

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Yodakis at 11:20 p.m. to adjourn the meeting, seconded by Mr. Bennett 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 20, 2007 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on January 17, 2008.

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