

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JANUARY 21, 2016 AT 8:00 P.M.**

Mr. Florek 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 has 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. I further order that this public announcement be placed in the minutes of this meeting” followed by flag salute.

**Roll Call**

PRESENT: Florek, Farrell, Bennett, Karch, Sobieski, Yodakis, Burke and Sullivan

ABSENT: Burry

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

**Reorganization**

Mr. Steib, Esq. advised the Board that all appointed members have been sworn in and signed their oath of office.

Mr. Bennett stated the Board traditionally rotates its officers yearly, but Mr. Farrell advised he is traveling a lot for business and cannot guarantee he will be able to make the meetings. Therefore the Nominating Committee’s recommendation was Don Burry as Chairman, Ed Sobieski as Vice-Chairman, Geoff Karch as Secretary and Ruth Leininger as Assistant Secretary. There were no other nominations from the Board; nominations were closed.

Motion to Adopt a full slate:

OFFER: Farrell

SECOND: Karch

AFFIRMATIVE: Florek, Farrell, Bennett, Karch, Sobieski, Yodakis, Burke and Sullivan

NEGATIVE: None

ABSTAIN: None

Mr. Burry was not at in attendance so the meeting was turned the meeting over to Mr. Sobieski.

**Approval of Meeting Dates for 2016:**

The Board adopted the schedule for meeting dates for the remainder of 2016 at 8:00 p.m. in the meeting room at Town Hall as follows:

February 18, 2016  
March 17, 2016  
April 21, 2016  
May 19, 2016

June 16, 2016  
July 21, 2016  
August 18, 2016  
September 15, 2016

October 20, 2016  
November 17, 2016  
December 15, 2016

Motion to adopt meeting dates:

OFFER: Florek

SECOND: Burke

AFFIRMATIVE: Sobieski, Bennett, Farrell, Florek, Karch, Yodakis, Burke

NEGATIVE: None

**Appointment of Zoning Board Engineer:**

Motion to Appoint Township Engineer, Glenn Gerken:

OFFER: Farrell

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Farrell, Florek, Karch, Yodakis, Burke

NEGATIVE: None

**Appointment of Zoning Board Attorney:**

Motion to Appoint Zoning Board Attorney, Michael B. Steib, Esq.:

OFFER: Florek

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Farrell, Florek, Karch, Yodakis, Burke

NEGATIVE: None

**Approval of Minutes:**

Motion to Approve the December 17, 2015 Meeting Minutes:

OFFER: Farrell

SECOND: Bennett

AFFIRMATIVE: Farrell, Bennett, Florek and Sullivan

NEGATIVE: None

**RESOLUTIONS:**

**ZB946 – Deputy Ventures – Block 14, Lot 6 – 260 Heyers Mill Road**

Memorialization of Resolution to demolish the existing dwelling and construct a new single family dwelling in the A-1 Zone. Variances are required to issue a Building Permit on a lot without frontage on an improved street, a side setback of 30' where 50' is required, a lot area of 22,261 s.f. where 88,000 s.f. is required, a lot frontage of 0' where 300' is required, a lot width of 132' where 300' is required and a lot depth of 168' where 200' is required.

Motion to Memorialize the Resolution:  
OFFER: Florek  
SECOND: Bennett  
AFFIRMATIVE: Farrell, Bennett and Florek  
NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**2015 Annual Report**

Motion to Approve the Memorialize the 2015 Annual Report:  
OFFER: Karch  
SECOND: Burke  
AFFIRMATIVE: Burry, Sobieski, Bennett, Farrell, Florek, Karch, Yodakis, Burke  
NEGATIVE: None

**APPLICATIONS: Old Business**

None

**APPLICATIONS: New Business:**

**ZB949 – GK Distilling, Inc. – Block 4, Lot 1 & 2 – 3 & 7 Bray Street**  
Request to withdraw the application without prejudice.

The Board received a letter from the applicant withdrawing the application without prejudice. Mr. Steib, Esq. prepared a resolution for the Board to Dismiss the Application without prejudice.

Motion to Dismiss and the Application Without Prejudice and Memorialize the Resolution:  
OFFER: Bennett  
SECOND: Florek  
AFFIRMATIVE: Bennett, Farrell, Florek, Sobieski, Yodakis, Burke and Sullivan  
NEGATIVE: None

**ZB948 – Kubeck – Block 50, Lot 2.02 – 108 Hockhockson Road**

Application to construct a one-story addition to a single family dwelling in the AG Zone. Variances are required to permit a front setback of 238' where 315' is required and 238' currently exists and a side setback of 106' where 155' is required and 156'.

The Board accepted the application. Six items were marked as exhibits – zoning review, application, site plan, Board of Health comments, Fire Marshall's comments and Architectural Review Committee's comments.

Justin and Ann Kubeck, applicant and David Feldman, Architect – all sworn. Mr. Kubeck advised the Board they purchased this home in March 2015 which had been abandoned and quite run down. Mr.

Feldman stated the front façade has been damaged by water in part because the roof is flat. They plan to install a hip roof to fix the problem. While repairing damage they would also like to add an addition to the southside of the home which would be identical to the wing on the northside of the home. The addition is to create one large open recreation room, no second story. However because of the 90' Rule, a variance is required. Monmouth County Park System owns the property on the side of the addition.

Open to the public with no comments. The Board felt the addition looked very nice, balanced out the home and did not have any impact on neighbors. The building and lot coverage were both under the maximum permitted. The Kubeck's were fixing up an abandoned property, creating an asset to the neighborhood. The Board conditioned their approval on the applicant receiving a Flood Hazard Permit.

Motion to Approve the Application:

OFFER: Farrell

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Farrell, Florek, Karch, Yodakis and Burke

NEGATIVE: None

**ZB951 – Tormey – Block 7.25, Lot 1 – 4 Mulberry Lane**

Application to remove circular driveway and construct a second story addition, front porch and rear deck in the A-2 Zone. Variances are required to permit a front setback of 67.3' where 75' is required, a side setback of 39.6' where 40' is required, building separation of 6.3' where 20' is required and building coverage of 6.7% where 6.6% is the maximum permitted.

The Board accepted the application. Six items were marked as exhibits – zoning review, application, architectural plans, Board of Health comments, Fire Marshall's review and five photos.

Heather and Michael Tormey, applicants – sworn. The Tormey's purchased this home 12 years ago and now have three children. The neighbors all interact and the children all play outside which is the reason they want to construct a functional front porch. Their existing rear deck is falling apart and they want to replace it in the same location, which is currently nonconforming. The increase in building coverage is due to the open front porch.

Open to the public with no comments. The Board had some concerns with the building separation, however as long as the Fire Marshall gave his approval they would approve it. The approval was also conditioned that the porch never could be enclosed, the driveway must be removed prior to a Building Permit being issued and a Flood Hazard Permit must be received.

Motion to Approve the Application:

OFFER: Florek

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Bennett, Farrell, Florek, Karch, Yodakis and Burke

NEGATIVE: None

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Florek at 8:10 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 January 21, 2016 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on February 18, 2016.

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