

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
MAY 15, 2014 AT 8:00 P.M.**

Mr. Bennett 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”.

Salute the Flag

**Roll Call**

PRESENT: Bennett, Burry, Karch and Burke

ABSENT: Florek, Farrell, Sobieski and Yodakis

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

**Approval of Minutes:**

Motion to Approve the April 17, 2014 Meeting Minutes:

OFFER: Burry

SECOND: Bennett

AFFIRMATIVE: Bennett and Burry

NEGATIVE: None

**RESOLUTIONS:**

**ZB923 – Medamana – Block 10, Lot 25 – 21 Colonial Terrace**

Resolution granting approval to construct an 8’ x 11’ 4” porch to the side of an existing dwelling in the A-1 Zone. Variances are required to permit a front setback of 76’9” where 83’ is required and 76’9” currently exist and a side setback of 42’2” where 48’ is required and 42’2” currently exist.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Bennett

AFFIRMATIVE: Bennett and Burry

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business**

None

**APPLICATIONS: New Business:**

**ZB817A – Notaro – Block 11, Lot 3.05 – 10 Mockingbird Drive**

Application to retain additional impervious surfaces associated with the BBQ area, pool patio and driveway in the AG Zone. A variance is required to permit a 20.6% total lot coverage where a variance was granted to permit a 17.5% total lot coverage.

Mr. Steib, Esq. explained this application is a remand from Superior Court. This Board previously dismissed this application due to Res Judicata and the applicant appealed the decision to Superior Court. The recording was defective therefore the judge remanded the application back to the Board to make a record. Mr. Steib advised the Board to hear the application in its entirety and first decide the res judicata issue and then hear and vote on the application based upon its merits.

Thirteen items were marked as exhibits – zoning review, application, Order of Remand, Board of Health comments, Fire Marshall’s review, Architectural Review Committee’s comments, proposed plan, Memo from Michael Steib, Esq. dated August 15, 2013, memo from Township Planner dated April 11, 2014, color variance plan dated April 4, 2013, two photoboard with six 8 ½” x 11” photos on each board and a panoramic photo of the property.

Sal Alfieri, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Mr. Garito explained this property is a 2.61 acre parcel off Dutch Lane Road. It is a result of a lot size averaging development in the AG Zone where the large farm behind Mr. Notaro’s home is deed restricted from further subdivision. A variance was previously granted to permit 17.5% total lot coverage where 15% is the maximum permitted. Subsequently improvements have been made to the property bringing their total lot coverage to 20.6% that did not have municipal approval. The majority of additional lot coverage that was added is patio area connecting the house, pool and pool house. A condition of approval when the variance was previously granted was that a stormwater management system be installed; this was done and appears to be functioning adequately. Although the original plan called for eight chambers, four chambers are currently installed and working, if the Board required they would install the additional four chambers.

Timothy Anfuso, Township Planner – sworn. Mr. Anfuso explained the attachments to his memo – Attachment 1 is the plan for the original requested variance that the Board did not approve, Attachment 2 is the plan presented when the applicant returned and what the Board approved, Attachment 3 is highlighted in yellow what was added without approval.

Jim Higgins, Planner – sworn. Mr. Higgins stated the Notaro home is 102’ in width causing a longer and larger driveway enabling the front door and five car garage to connect, this equates to 7.1% of coverage. Although the house is large it is only 8.1% where 10% is the maximum principal building

coverage permitted in this zone. Without defined interconnecting paths between the house, pool and pool house the back yard lacked functionality. There is no negative impact to granting these variances, there is adequate drainage and the property is very attractive and creates a desirable, visual environment. The attractive paved pathway interconnecting the pool and cabana enable you to walk safely and create an area to sit which advance the Master Plan because the Master Plan promotes public safety. Because of the topography of the property, the rear yard is not visible from any neighbors causing no detrimental impact.

Open to the public with no comments. Sal Alfieri, Esq. told the Board they did not feel this application was res judicata because the Board did not vote on the 20.6% total lot coverage, that was something that evolved. There were no negative impacts, the property is aesthetically beautiful.

The Board felt this application looked exactly like the original application that was presented to the Board when the Board told them there was too much coverage. The applicant subsequently reduced the application down to the 17.5% that was ultimately approved. What is being proposed is excessive and the applicant is again asking for what the Board already denied. The Board felt that this was the same application that was previously presented back in 2009 and that the granting of the requested variance would not result in a better planning alternative and would be a detriment to the Township.

Motion the Application is Res Judicata:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Bennett, Burry, Karch and Burke

NEGATIVE: None

Motion to Approve the Application:

OFFER: Burry

SECOND: Burke

AFFIRMATIVE: None

NEGATIVE: Bennett, Burry, Karch and Burke

### **DISCUSSION ITEMS:**

None

### **EXECUTIVE SESSION**

None

### **MOTION TO ADJOURN**

A motion was made by Mr. Karch at 9:15 p.m. to adjourn the meeting, seconded by Mr. Burry and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on May 15, 2014 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 19, 2014.

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