

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
NOVEMBER 18, 2010 AT 8:00 P.M.**

Mr. Karch 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."

**Roll Call**

PRESENT: Karch, Burry, Bennett, Hesslein, Sobieski, Yodakis, Farrell and Lewis

ABSENT: Wagar

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

**Approval of Minutes:**

Motion to Approve the October 21, 2010 Meeting Minutes:

OFFER: Burry

SECOND: Sobieski

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski, Yodakis and Lewis

NEGATIVE: None

**RESOLUTIONS:**

**ZB852 – Pardee – Block 6, Lot 9.26 – 1 Gaitway Drive**

Memorialization of Resolution granting approval to remove the existing pool and patio and install a new pool in the A-1 Zone. Variances are required to permit a side setback of 30' where 40' is required and a rear setback of 23.96' where 40' is required.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski and Yodakis

NEGATIVE: None

**ZB856 – Zito – Block 16, Lot 53.19 – 11 Old Stable Way**

Memorialization of Resolution granting approval to construct a roof over an existing rear deck. Variances are required to permit a building coverage of 6.96% where 6% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein and Yodakis  
NEGATIVE: None

**ZB847 – East Coast Pool Concepts – Block 39, Lot 7 – 16 Deborah Drive**

Memorialization of Resolution denying approval to retain an existing inground swimming pool and 2,000 s.f. concrete patio. A variance is required to permit a rear setback of 38.46' where 50' is required.

Motion to Memorialize the Resolution:

OFFER: Burry  
SECOND: Hesslein  
AFFIRMATIVE: Burry, Bennett, Hesslein and Yodakis  
NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business**

None

**APPLICATIONS: New Business**

**ZB855 – Huntley – Block 35.03 – Lot 6 – 41 Beaver Dam Road**

Application to construct a second floor addition over an existing on story house in the A-1 Zone. Variances are required to permit a front yard setback of 77.97' where 79' is required and a building coverage of 7.1% where 6.6% is the maximum permitted.

Mr. Bennett recused himself from the application. Nine items were marked as exhibits – zoning review, variance application, variance plan, architectural/floor plan, Fire Marshall's review, Architectural Review's comments, blow up of tax map mounted, photoboard with six photos and color rendering of the variance plan. William Huntley, applicant and A.J. Garito, Engineer – both sworn.

Mr. Huntely explained he is making this application on behalf of his father who has lived at 41 Beaver Dam Road since 1968. His mother passed away and the past five year his father has lived alone, except in 2008 when he had a stroke and was in an assisted living. His father needs constant care and moved back to his house but needs 24 hour live-in help. The house is small and in order to give his father and caregiver each enough privacy they want to construct a second story addition. The house overlooks the water and they would like to give his father his wish, to stay in his home.

Mr. Garito explained the current ranch home is approximately 2,800 s.f. and 94' in width. Due to the 90' rule the house does not meet the front yard setback. The footprint will remain the same, simply adding a second story that is only a portion of the footprint of the first floor. With the addition the home will be 210 s.f. over the maximum 6.6% building coverage. It is a very conservative, modest addition that will give him the opportunity to enjoy his home.

Open to the public. Wendy Huntley, Applethorn Court – sworn. Ms. Huntely said she visits her father-in-law often and he is very excited about the idea of having his house renovated so he can continue to live in the house he raised his family.

The Board felt the applicant had a hardship with an undersized lot. The addition was not unreasonable, very modest with the footprint remaining the same. The Board appreciated the second floor was stepped in, keeping the appearance conservative.

Motion to Approve the Application:

OFFER: Burry

SECOND: Hesslein

AFFIRMATIVE: Karch, Burry, Hesslein, Sobieski, Yodakis, Farrell and Lewis

NEGATIVE: None

**ZB857 – Camryn Holdings – Block 54, Lot 5 – 24 Squankum Road**

Application to retain farm labor housing accessory dwelling unit that was constructed without municipal approvals. Variances are required to permit a farm labor housing accessory dwelling on a 12.01 acre farm where a minimum of 15 acres is required and a farm labor housing accessory dwelling unit in a front yard where prohibited.

A letter was received from the applicant’s attorney requesting the application be carried to the December meeting. There is a possibility more variances may be required, if so the applicant will renote. The Board stated this application has already been carried twice and asked Mr. Anfusio to send a letter stating if the applicant did not advance the application in December it would be dismissed without prejudice. This application is carried to the December 16, 2010 meeting with no further notice.

**ZB859 – Tempera – Block 22.05, Lot 1.01 – 137 Montrose Road**

Application to construct a 14’ x 24’ shed in the front yard. A variance is required to permit a front yard setback of 75’ where 150’ is required.

Seven items were marked as exhibits – zoning review, application, survey, elevation/floorplan and three photos of the property. Gina Tempera, applicant – sworn.

Ms. Tempera told the Board she has a hardship because her property is on the corner of Montrose Road and Parkwood Lane. They would like to put a 14’ x 24’ shed on what they consider the side of their property. They chose what they thought to be the best location for everyone, an area that is screened with trees. They feel in this location the shed will blend in with the house and trees.

Open to the public with no comments. The Board agreed in looking at the photographs that visually this is the best location for the shed. They thought the applicant was considerate in picking a location where the shed is nestled behind the trees and not very visible.

Motion to Approve the Application:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski, Yodakis and Farrell

NEGATIVE: None

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

A motion was made by Mr. Karch at 8:40 p.m. to go into an Executive Session, seconded by Mr. Burry and unanimously carried.

Motion to Go Into Executive Session:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski, Yodakis and Farrell

NEGATIVE: None

**MOTION TO ADJOURN**

A motion was made by Mr. Burry at 8:52 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 November 18, 2010 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on December 16, 2010.

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