

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
MARCH 21, 2013 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 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: Sobieski, Bennett, Burry, Karch and Yodakis

ABSENT: Farrell, Florek, Lewis and Karcher

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

**Approval of Minutes:**

Motion to Approve the February 21, 2013 Meeting Minutes:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Burry, Karch and Yodakis

NEGATIVE: None

**RESOLUTIONS:**

**ZB880A – Weiss – Block 11, Lot 1.02 – 11 Hillcrest Drive**

Memorialization of Resolution for a one year extension of time to the approved variance. The extension of time will begin January 19, 2013 and expire January 19, 2014.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Bennett, Burry, Karch and Yodakis

NEGATIVE: None

**ZB907 – Macnow – Block 16, Lot 47 – 1001 Sterling Ridge**

Memorialization of Resolution to construct a front and rear addition, rear terrace with storage below, modify driveway, patios, walkways, fencing and entrance piers in the A-1 Zone. Variances are required to permit a front setback of 105’ where 107’ is required and 102’ exists, a side setback of 75’ where 82’ is required and 58.5’ exists, a total lot coverage of 25.02% where 20% is the maximum permitted and 25.38% exists, 4’ fence with 5’ columns where 4’ is the maximum height permitted.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Burry

AFFIRMATIVE: Sobieski, Bennett, Burry, Karch and Yodakis

NEGATIVE: None

### **ADMINISTRATIVE ITEMS:**

#### **ZB854 – Hoeker – Block 13, Lot 35 – 151 Heulitt Road**

Request for two one-year extensions of time to the approved variance. The extension of time will begin October 21, 2011 and expire October 21, 2013

Mr. Hoeker explained they had to get DEP approval which took some time. Once they got the approval the price for the addition was doubled so they had to scale down the project and get new plans. They are ready to start the project in the spring.

Motion to Approve the Extension of Time:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Bennett, Burry, Karch and Yodakis

NEGATIVE: None

#### **ZB879 – Klein – Block 1, Lot 55 – 25 Glenwood Road**

Request for a one year extension of time to the approved variance. The extension of time will begin November 17, 2012 and expire November 17, 2013

Ms. Klein explained to the Board that she had a baby and did not want to start a construction project with a newborn. The baby is now one year old and they are ready to start the project.

Motion to Approve the Extension of Time:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Burry, Karch and Yodakis

NEGATIVE: None

### **APPLICATIONS: Old Business**

#### **ZB898 – Sachdev – Block 35, Lot 7.03 – 1 Wide Horizon Drive**

Application to construct an inground swimming pool, raised patio and fence in the A-1 Zone. Variances are required to permit a raised patio side setback of 72.26' where 86' is required, a pool side setback of 35.03' where 40' is required.

Two new exhibits were received – a revised site plan and a new zoning review. Mr. Simpson, Architect explained the pool has been simplified and the patio around it has been made smaller. The patio/dining area has also been reduced as well as the sidewalk connecting the areas and the lot coverage now complies. They feel the project has been made as small as possible while still being functional. Open to the public with no comments.

The Board felt the applicant did a good job and thanked them for bringing the total lot coverage into conformance.

Motion to Approve the Application:

OFFER: Bennett

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Bennett and Yodakis

NEGATIVE: None

**ZB902 – Hagerman – Block 13, Lot 64 – 2 Westminster Drive**

Application to construct a three car garage, front porch, rear addition and deck in the A-1 Zone.

Variances are required to permit a porch front setback of 88’ and a garage front setback of 67’ where 101’ is required and 76’ currently exist, a deck side setback of 69’ and house side setback of 51’ where 66’ is required and 51’ currently exist.

Two new exhibits were received – architectural elevations and floor plan and zoning review. Ron Kacmarsky, Architect, stated the deck configuration was changed and moved to stay out of the easement. The garage was rotated as the Board had suggested to reduce the setback requirement and concern of the neighbors. Mr. Kacmarsky showed two options for the driveway, one to keep the existing drive and extend it around to the new garage or eliminating the existing drive and making a new curb cut going directly to the garage. The applicant and Board both preferred creating a new curb cut which created less impervious coverage.

The Board was very pleased and felt this revised plan was a win, win. The approval was stipulated on the applicant receiving a DEP Flood Hazard Permit, satisfying the Health Officer’s requirements and applying for a Street Opening Permit for the new driveway curb cut.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Burry, Karch and Yodakis

NEGATIVE: None

**APPLICATIONS: New Business:**

**ZB904 – Raciti – Block 51, Lot 2.39 – 1 Secretariat Drive**

Application to construct four dormers, convert a gazebo into a garage, cover the breezeway, construct an inground pool and patio and install 5’ high fence and entry piers in the AG Zone. Variances are required to permit a dormer front setback of 132’ and 150’ where 200’ is required, a pool and house separation of 11’ where 20’ is required, an inground pool front setback of 169’ where 200’ is required, a separation between the stable and house of 84’ where 100’ is required, five foot fence where 4’ is the maximum height permitted and a proposed 8’4” entrance pier where 7’ is the maximum height permitted.

The application was amended to add the property owner’s name, Taylor Weisleder. Six items were marked as exhibits – zoning review, location and site plan, Health Officers report, Fire Marshall’s

review and an email from the Fire Marshall to Mr. Raciti. Stephen Raciti, Architect and Taylor Weisleder, property owner – both sworn.

Mr. Raciti explained the current property owners purchased this home recently; the previous owner converted the home from a barn and the new owners would like to do some renovations. This barn that was left standing and a subdivision was built around it so that the property has three frontages each requiring a 200' front yard setback which would be in the middle of the home. The owners would like to add four dormers, a pool and deck. There was a gazebo that was ruined by Sandy and they would like to convert that into a garage and connect it to the house with a covered walkway. There is currently a five foot fence around ¾ of the property and they would like to continue that same fence around the remaining property to totally enclose the property. They are requesting to keep the pool closer to the house because they are very exposed and they will be able to landscape and get some privacy. Open to the public with no comments.

The Board understood the unique hardships this property had and thought the variance requests were reasonable except for the piers. The applicant withdrew the request for a variance for the piers and stated they will be 7' in height and maintain a 30' setback. The Board thanked the applicant for saving a piece of Colts Neck history and agreed the renovations will be a great improvement.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Burry, Karch and Yodakis

NEGATIVE: None

**ZB905 – Mahler – Block 50, Lot 19 – 88 Obre Road**

Application to construct an addition to an existing single family dwelling in the AG Zone. A variance is required to permit a front setback of 169' where 200' is required and 155' currently exists.

Five items were marked as exhibits – zoning review, application, site plan/floor plan, Board of Health comments and Fire Marshall's review. Eric Mahler, applicant – sworn. Mr. Mahler explained to the Board that he has lived in this house for ten years but now his six year old son and parents are all living together and they just need more room. The existing house is nonconforming and any addition would require a variance, however the proposed addition is setback 14' from the existing house.

Open to the public with no comments. The Board felt this was a modest addition and appreciated the applicant stepping the addition back to reduce the variance. The Board understood that any addition the applicant would put on this house would require a variance. It was stipulated that a second kitchen was not permitted and the addition was not permitted to be used as a separate dwelling unit.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Burry, Karch and Yodakis

NEGATIVE: None

**ZB906 – Pardee – Block 6, Lot 9.26 – 1 Gaitway Drive**

Application to construct a front porch on an existing single family dwelling in the A-1 Zone. A variance is required to permit a front setback of 73.6' where 78' is required and 75' currently exists.

Six items were marked as exhibits – zoning review, application, architectural/floor plans, Board of Health comments, Fire Marshall’s comments and Architectural Review Committee’s comments. Derek Pardee, applicant – sworn.

Mr. Pardee stated ever since he first purchased this home he has wanted to construct a front porch that would protect you from the weather and also make the house more attractive. The house was originally brick but they have recently resurfaced it and the architecture will tie in with the limestone.

Open to the public with no comments. It was agreed that the front porch greatly enhanced the appearance of the home and the encroachment was di minimis.

Motion to Approve the Application:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Bennett, Burry, Karch and Yodakis

NEGATIVE: None

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Karch at 9:00 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 March 21, 2013 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 18, 2013.

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