

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
AUGUST 18, 2016 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. I further order that this public announcement be placed in the minutes of this meeting”.

Salute the Flag

Roll Call:

PRESENT: Burry, Sobieski, Bennett, Florek, Burke and Sullivan

ABSENT: Farrell, Karch and Yodakis

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

**Approval of Minutes:**

None

**RESOLUTIONS:**

**ZB961 – IAS Investments – Block 7.16, Lot 2 – 8 Meadowview Drive**

Memorialization of Resolution to retain a front porch and second story addition over garage in the A-2 Zone. Variances are required to permit a front setback of 64’ where 76’ is required and a total lot coverage of 21.06% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Sobieski

SECOND: Florek

AFFIRMATIVE: Burry, Sobieski, Bennett and Florek

NEGATIVE: None

**ZB962 – Investors Bank – Block 31.01, Lot 9 – 360 Route 34**

Memorialization of Resolution to remove and replace the existing freestanding sign. Variances are required to permit a 47.13 s.f. sign where 15 s.f. is the maximum permitted, a sign height of 17.25’ where 8’ is the maximum permitted and an internally illuminated sign where only externally illuminated signs are permitted.

Motion to Memorialize the Resolution:

OFFER: Florek

SECOND: Sobieski

AFFIRMATIVE: Burry, Sobieski, Bennett and Florek

NEGATIVE: None

**ZB956 – Nicoletta Car Wash – Block 48, Lot 6 – 297 Route 34**

Memorialization of Resolution denying a Use Variance to permit a car wash with a two bay quick lube and one bay detail facility in the B-1 Zone.

Motion to Memorialize the Resolution:

OFFER: Florek

SECOND: Burry

AFFIRMATIVE: Burry and Florek

NEGATIVE: None

**ADMINISTRATIVE**

**ZB780 – Barc – Block 1, Lot 33 – 60 Glennwood Road**

Request for a 3 year extension of time to the previously approved variances. The extension will run from April 14, 2014 and expire April 14, 2017.

Two items were marked as exhibits – letter requesting an extension of time and the resolution. Peter Barc, homeowner – sworn. Mr. Barc explained they had building permits and active construction was going on however in January 2014 they unexpectedly had to find a new contractor. It took a while but they just found a contractor however they discovered since construction had stopped in 2014 their building permit had expired. They are ready to start work now but in order to get a new building permit they need an extension of time to extend the variance.

Motion to Approve the Application:

OFFER: Florek

SECOND: Sobieski

AFFIRMATIVE: Burry, Sobieski, Bennett, Florek, Burke and Sullivan

NEGATIVE: None

**APPLICATIONS: Old Business**

None

**APPLICATIONS: New Business**

**ZB958 – Garber – Block 29, Lot 10.05 – 2 Blue Bell Road**

Application to retain basketball court and other impervious surfaces as well as remove a barn, sheds farm labor housing unit and basketball court lighting that were constructed without municipal approvals in the AG Zone. Variances are required to permit a front yard setback of 128' where 200' is required and a total lot coverage of 14.04% where 10% is the maximum permitted.

The Board accepted the application. Seven items were marked as exhibits – zoning review, application, site plan, floor plan, Township Engineer’s review and the Fire Marshall’s comments.

Jennifer Krimko, Esq. represented the applicant. Ms. Krimko explained the applicant has been in front of both the Planning and Zoning Board regarding this property and the one adjacent. Their last approval was from the Planning Board in 2014 stipulating both properties were to be used as one farm unit and granted a variance for 13.9% lot coverage where 10% is the maximum permitted. Since that time Mr. Garber has significantly reduced his farming activities and wants the lots to be individually utilized removing the deed restriction.

William Kurtz, Engineer – sworn. Mr. Kurtz explained the property is a ten acre parcel with extensive existing landscaping. They are agreeing to add more landscaping to screen the basketball court and remove the lights. Stable A will no longer be a dwelling; they will remove the interior kitchen and create storage areas. Stable B will be demolished as well as sheds 1 and 2 and the walkway to Stable A and replace with grasscrete pavers and a retention basin to help alleviate any drainage issues. Although the grasscrete pavers still count as coverage, grass will grow through and runoff will be able to drain through.

Open to the public with no comments. The Board felt there was a lot going on in the property and was glad structures were being removed. The approval was conditioned on removing the apartment in Stable A, demolishing Stable B and sheds 1 and 2 and the walkway to Stable A as well as posting performance guarantees for the work.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Sullivan

AFFIRMATIVE: Burry, Sobieski, Bennett, Florek, Burke and Sullivan

NEGATIVE: None

**ZB963 – Markov – Block 29.10, Lot 17 – 149 Cedar Drive**

Application to remove rear porch and install a sunroom (14.5’ x 16’) in the A-1 Zone. A variance is required to permit a side yard setback of 25’ where 50’ is required and 29.3’ currently exists.

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

Artur Markov, applicant and Jerry Lemega, Architect – both sworn. Mr. Lemega explained the homeowners want to demolish an existing sunroom and construct a room in its place by adding 67 s.f. to square off the room. The size of the new room will be 14’x 16’ but the problem is the setback line goes through the center of the room. This will make a more useable space for the home.

Open to the public with no comments. The Board felt the addition would enhance the home and the variance being sought was diminimis.

Motion to Approve the Application:

OFFER: Burke

SECOND: Sobieski

AFFIRMATIVE: Burry, Sobieski, Bennett, Florek, Burke and Sullivan

NEGATIVE: None

**ZB965 – Toman – Block 17, Lot 9 – 160 Heyers Mill Road**

Application to demolish the existing barn and construct a new 12' x 16 barn in the same location in the A-1 Zone. Variances are required to permit a front setback of 68' where 100' is required, a side setback of 12' where 30' is required and a building separation of 14 where 20 feet is required.

The Board accepted the application. Nine items were marked as exhibits – zoning review, application, Health Officer's comments, Fire Marshall's comments, survey, floor plans, photo, two photos and the proposed new structure.

Deborah Toman, applicant – sworn. Ms. Toman explained she has an old preexisting, nonconforming barn on her property that is in disrepair and she would like to replace it in the exact same location. She wants to have a barn that is both safe and functional.

Open to the public with no comments. The Board was familiar with the existing barn and felt the new barn in the same location would be welcomed by all.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Florek

AFFIRMATIVE: Burry, Sobieski, Bennett, Florek, Burke and Sullivan

NEGATIVE: None

**ZB964 – Somma – Block 30, Lot 13 – 167 County Route 537**

Application to raise the existing roofline as well as relocate an entrance in the B-3 Zone. A use variance is required to permit the expansion of a nonconforming residential use in the B-3 zone as well as variances to permit a front setback of 6' where 75' is required and 1.1' currently exists and a side setback of 11' where 25' is required and 11' currently exists.

Chairman Burry recused himself and turned the meeting over to Vice Chariman Sobieski. The Board accepted the application. Seven items were marked as exhibits – zoning review, application, Health Officer's comments, Fire Marshall's comments, survey, floor plans and Architectural Review Committee's comments.

Ralph Somma, applicant – sworn. Mr. Somma explained the existing house is over 150 years old and is in a nonconforming location. The house has been unoccupied for several years and he would like to make it safer, bring it up to code and make it more livable. On the front section the roof will be raised to create 8' ceilings on the second floor and the 1 ½ story rear section will be completely reconstructed to make this section a full 2 story home. Because the home is in a Business Zone and he is expanding the home, even though the same footprint is being used, a Use Variance is required.

Open to the public. Don Burry, Colt Neck Realty – sworn. Mr. Burry stated the house has been empty for several years and fixing it up will be an asset to the neighborhood. The Board was happy the applicant chose to keep a 100 plus year old home it rather than tear it down.

Motion to Approve the Application:

OFFER: Florek

SECOND: Burke

AFFIRMATIVE: Sobieski, Bennett, Florek, Burke and Sullivan

NEGATIVE: None

**DISCUSSION ITEMS:**

Mr. Steib, Esq. advised the Board the judge affirmed their decision for ZB946, Deputy Ventures that was appealed by Mr. Meicke.

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Ms. Burke at 9:00 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 August 18, 2016 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 20, 2016.

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