

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
SEPTEMBER 18, 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, Florek, Burry, Farrell, Sobieski, Yodakis and Burke

ABSENT: Karch

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

Approval of Minutes:

Motion to Approve the August 21, 2014 Meeting Minutes:

OFFER: Burry

SECOND: Florek

AFFIRMATIVE: Bennett, Florek, Burry, Yodakis and Burke

NEGATIVE: None

RESOLUTIONS:

ZB926 – Foran – Block 7.23, Lot 6 – 93 Tulip Lane

Memorialization of Resolution denying an application to retain second story addition, deck and screen porch in the A-2 Zone. Variances are required to permit building coverage of 8.17% where 6.6% is required and a total lot coverage of 22.01% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Burke

AFFIRMATIVE: Bennett, Yodakis and Burke

NEGATIVE: None

ZB927 – McGuinness – Block 7.30, Lot 3.08 – 27 Paddock Lane

Memorialization of Resolution to retain an outdoor kitchen under construction in the A-5 Zone. A variance is required to permit a building separation of 13' where 20' is required.

Motion to Memorialize the Resolution:

OFFER: Florek

SECOND: Burry

AFFIRMATIVE: Bennett, Florek, Burry, Yodakis and Burke

NEGATIVE: None

ZB930 – Lubin – Block 35, Lot 22.15 – 34 Rivers Edge

Memorialization of Resolution to construct a second story addition over an existing garage in the A-1 Zone. A variance is required to permit a side yard setback of 45.2' where 55' is required and 45' currently exists.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Bennett, Florek, Burry, Yodakis and Burke

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB932 – Montefusco – Block 34, Lot 16.21 – 39 Orchard Lane

Application to construct a 348 s.f. addition in the A-1 Zone. A variance is required to permit a 6.27% building coverage where 6% is the maximum permitted.

Mr. Steib, Esq. announced that service is in order for this application, however the applicant requested this application be carried to the October meeting due to some revisions that are being made to their plan. This application is carried to the October 16, 2014 meeting with no further notice.

ZB928 – Muniz – Block 44.01, Lot 23 – 24 Beacon Drive

Application to construct a garage addition in the A-1 Zone. Variances are required to permit a front setback of 77.7' where 90' is required and 77.7' currently exists, a side setback of 43.2' where 61' is required and 43.2' currently exists and a building coverage of 6.44% where 6% is the maximum permitted.

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

Jose Muniz, applicant – sworn. Mr. Muniz explained he needs this garage for extra storage space as well as to serve as a workshop for his personal cars. The septic is in the rear yard and terrain slopes significantly, making this the only practical area to place the garage.

The Board understood the setback variances were required because the addition made the house 111' in width which brought the 90' rule into play as well as exceeding the building coverage. The Board thought the garage could easily be detached and require less variances.

Mr. Muniz said he built his home 27 years ago and he is trying to do the right thing and make it look nice. He asked to carry the application so he can see if there is a viable alternative. This application is carried to the October 16, 2014 meeting with no further notice.

ZB931 – Mumford – Block 35, Lot 1.28 – 14 Utopia Drive

Application to install an inground swimming pool in the A-1 Zone. A variance is required to permit a front yard setback of 113' where 150' is required.

Mr. Bennett recused himself from this application and turned the meeting over to Mr. Florek. The Board accepted the application. Nine items were marked as exhibits – zoning review, application, variance plan, Board of Health comments, Fire Marshall's review, Architectural Review Committee's comments, filed map of subdivision, color variance plan and a photoboard with six photos.

Robert Curley, Esq. represented the applicant. Mr. Curley asked to amend the application to Yellow Brook Property, LLC instead of Roger Mumford who is the principal of the company.

A.J. Garito, Engineer – sworn. Mr. Garito showed on the filed map how all properties on Utopia Drive front on both Utopia Drive and County Route 537 creating a hardship to the property owners. This property is 2.4 acres and has an existing home that is under construction. The property slopes on the eastside making the proposed location the best place to put a pool with minimal clearing. The proposed pool is 20' x 45' and is located 113' from Phalanx Road.

Open to the public with no comments. The Board felt the applicant had a hardship with two front yards and was satisfied with the screening. They felt this was the best place to put the pool under the very difficult circumstances.

Motion to Approve the Application:

OFFER: Farrell

SECOND: Sobieski

AFFIRMATIVE: Florek, Burry, Farrell, Sobieski, Yodakis and Burke

NEGATIVE: None

ZB935 – Leccese – Block 26, Lot 3 – 1 Lake Drive

Application to install a generator in the front yard and install a pergola on the existing rear deck. Variances are required to permit a principal side yard setback of 18' for the pergola where 30' is required and 18' currently exists and a 71' accessory front yard setback for the generator where 78' is required and a total building coverage of 9.7% where 6.6% is required and 8.1% currently exists.

The Board accepted the application. Six items were marked as exhibits – zoning review, application, variance plan, architectural elevations, color variance plan and photoboard with six photos of the site.

Frank Leccese, applicant and A.J. Garito, Engineer – sworn. Mr. Garito explained this property is a corner lot making the building envelope very small. Mr. Leccese wants to put a 54” x 34” generator pad next to the existing air conditioner and gas line. They also would like to construct a pergola over an existing patio for shade. The pergola has two columns with two foot slats across the top that would be attached to the existing dwelling. This will aesthetically break up the side of the house as well as provide shade. There is an existing hedge row that will buffer the pergola from the street.

Open to the public with no comments. The Board felt the applicant had a hardship because the property is a corner lot. The generator is far away from Bucks Mill Road and well screened. The Board conditioned the approval stating the pergola cannot be enclosed.

Motion to Approve the Application:

OFFER: Burry

SECOND: Florek

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

NEGATIVE: None

ZB929 – American Heritage Reality – Block 48, Lot 19 – 20 Route 537 East

Application for a two lot Minor Subdivision, Preliminary and Final Major Site Plan and Use Variance in the B-1 Zone. Time to January 2, 2015

The Board accepted the application. Fourteen items were marked as exhibits – submission letter, application, minor subdivision plan, Planner’s review letter, revised application, letter from Mr. Longobardi, floor plan for office/storage, Architectural Review Committee’s comments, letter from Mr. Berkley, aerial photo, Board of Health comments, color rendering of landscape plan, conforming subdivision plan, mounted architectural plan, plan showing banked parking and Engineer’s review letter.

Vince Halleran, Esq. represented the applicant. John Vincenti, Engineer and Planner and Ray Longobardi, principle of American Heritage both sworn. Mr. Steib, Esq. explained a Use Variance is required since new Lot 19.02 proposes a floor area ratio (FAR) of 0.247 where 0.15 is the maximum permitted, basically the applicant is requesting permission to permit a larger building on new Lot 19.02 than what is permitted by ordinance. The criteria the Board must consider is whether the lot can still accommodate the proposed use. Also, the Planning Board previously granted several variances for the initial site plan but approval for all previously granted variances is required by this Board.

Mr. Vincenti explained they are not proposing any new improvements to the site; they simply want to create two lots to separate the two buildings for business reasons. They have looked at different ways to subdivide the property to eliminate the need for a Use Variance however none of them make good planning sense.

They feel that with the mixture of uses the parking works well and they do not require 164 parking spaces required by ordinance. The restaurant peaks noon and dinner and is not really utilized in the morning where the office peaks earlier. They have a 25’ wide gravel driveway where 30 grass area spaces are allocated as overflow parking if needed. They are also proposing to relocate the free standing sign out of the right of way. When the Planning Board granted this variance they stipulated this situation must be monitored and the applicant would have to return in two years to make sure it worked. The applicant offered that any approval be conditioned that the total FAR on the two properties when added together shall not exceed 0.15.

The Board had concerns that the two lots were heavily dependent on each other and what would happen if one of the lots sold. Due to the hour the Board decided to carry the application so they could finish their discussion at the next meeting. This application is carried to the October 16, 2014 meeting with no further notice.

DISCUSSION ITEMS:

None

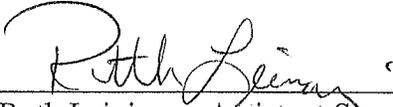
EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Farrell at 10:20 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 September 18, 2014 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 16, 2014.



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