

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
OCTOBER 16, 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 (1 ½ hour late), Farrell, Karch, Sobieski, Yodakis and Burke

ABSENT: None

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

Approval of Minutes:

Motion to Approve the September 18, 2014 Meeting Minutes:

OFFER: Farrell

SECOND: Sobieski

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution granting approval 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.

Mr. Florek asked for the stipulation stating the pergola cannot be enclosed to be added as a Special Condition.

Motion to Approve the Resolution As Amended:

OFFER: Florek

SECOND: Yodakis

AFFIRMATIVE: Bennett, Florek, Farrell, Sobieski, Yodakis and Burke
NEGATIVE: None

ZB931 – Yellow Brook Property, LLC – Block 35, Lot 1.28 – 14 Utopia Drive

Memorialization of Resolution granting approval 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.

Motion to Approve the Resolution:

OFFER: Sobieski

SECOND: Yodakis

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

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

Application to construct a garage addition in the A-1 Zone. A variance is required to permit a building coverage of 6.44% where 6% is the maximum permitted.

Two new items were marked as exhibits – revised location plan and a revised Zoning Review. Mr. Muniz, applicant – sworn. Mr. Muniz stated after last month's meeting he educated himself on the 90' rule. He rotated the garage 90 degrees and stayed within his building envelope and now is only requesting a building coverage variance. If he separated the garage it would make the flow of cars more difficult and although building coverage would decrease his overall lot coverage would increase because the driveway would have to go much farther back. Open to the public with no comments.

The Board still thought the building coverage was high. However due to the dramatic slope of the property in the rear yard limiting the location of a detached garage and the fact that there is greenway behind his home the Board felt the addition would be mostly hidden with little visual impact and the best location for the garage.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Farrell

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

NEGATIVE: None

ZB929 – American Heritage Realty – 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.

Mr. Bennett recused himself from this application and turned the meeting over to Mr. Florek. One new item was marked as an exhibit – letter from JV Engineering dated October 16, 2014. Vince Halleran, Esq. represented the applicant. John Vincenti, Engineer and Planner – sworn.

Mr. Vincenti reminded the Board they could have a conforming subdivision, however in order to do this they would have to make an irregular lot line to separate the two properties. In his opinion, it was a better planning alternative to make a straight line between the two buildings and limit the new lot to a maximum of 3,850 s.f. building until the old school is taken down. The Planning Board previously granted variances for the parking and required the applicant to return in two years to see if the banked parking would need to be built or if it was adequate. The Planning Board also wanted to address the cross access easement with the Golf Course and the horseshoe shaped driveway would have to be removed when the applicant appeared in two years. Open to the public with no comments.

A lengthy discussion ensued. Some Board members were concerned that each lot could not stand on their own and the applicant was requesting numerous variances restricting a new lot that could potentially have a separate owner and creating a lot of problems. Other members felt the property as a whole could accommodate the two uses as long as restrictions were applied to both lots.

The applicant amended the application by moving the proposed subdivision line to add a 75' x 160' area and additional parking stalls to Lot 19.02. The Board stipulated any approval they gave would include all conditions that were in the previous Planning Board approval.

Motion to Approve the Application:

OFFER: Burke

SECOND: Karch

AFFIRMATIVE: Florek, Karch and Burke

NEGATIVE: Farrell, Sobieski and Yodakis

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 6.3% building coverage where 6% is the maximum permitted. Time to December 13, 2014

Mr. Steib, Esq. announce that a letter was received from the applicant stating their architect was not available this evening and requesting to carry the application. This application is carried to the November 20, 2014 meeting with no further notice.

ZB936 – Carletta – Block 7.02, Lot 17 – 64 Tulip Lane

Application to install an inground pool in the A-2 Zone. Variances are required to permit a rear yard setback of 10' where 25' is required and a building separation of 14' where 20' is required.

The meeting was turned back over to Mr. Bennett. Mr. Burry arrived. Seven items were marked as exhibits – application, survey, zoning review, Architectural Review Committee's comments, Board of Health comments, six photos of the backyard and six photos of the proposed pool. The Board accepted the application.

Audra Carletta, applicant – sworn. Ms. Carletta explained her septic is located in the logical location for a pool and her property has a unique shape restricting where a pool can be placed. There is also a

stream on the property along the side of her home causing a wetland buffer further restricting their building envelope. Their backyard has a lot of trees and is very private; they have exhausted all options and feel this is the best location for the pool. Open to the public with no comments.

The Board felt due to the unusual shape of the property and the large wooded area between the homes that slope down to a ravine the applicant had a hardship. Since the neighbors homes are very far away from the Carletta's back yard the Board felt this location was not obtrusive and the best location for the pool.

Motion to Approve the Application:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

ZB933 – Lucas – Block 34, Lot 3.06 – 18 Raven Road

Application to install an inground pool, patio, walls, pillar and fireplace in the A-1 Zone. A variance is required to permit 22.42% total lot coverage where 20% is the maximum permitted.

Six items were marked as exhibits – application, survey, landscape plan, zoning review, mounted colored design plan with four photos and a mounted tax map. The Board accepted the application.

Dante Alfieri, Esq. represented the applicant. Lionel Lucas, applicant and A.J. Garito, Engineer – both sworn. Mr. Garito explained this property is a 1.26 acre lot surrounded by a large greenway because the property is on a curve of the road. The property is heavily vegetated with an evergreen buffer between both neighbors. The pool is 23' x 43' with 1350 s.f. of patio around the pool.

Mr. Lucas stated they recently purchased this home and have done extensive renovations updating the home. They have four children and a lot of family living locally and hoped to keep the driveway to accommodate all of the cars. They thought extensively about how to use the least amount of coverage to accomplish what they wanted and this is what they came up with. Open to the public with no comments.

The Board felt a total lot coverage of 22.42% was very high. The applicant requested to carry the application to look into alternatives. This application is carried to the November 20, 2014 meeting with no further notice.

ZB937 – Foran – Block 7.23, Lot 6 – 93 Tulip Lane

Application to retain two-story addition, deck and screen porch that were constructed without municipal approval. Variances are required to permit a proposed building coverage of 7.71% where 6.6% is the maximum permitted and 8.17% currently exists and total lot coverage of 20.76% where 20% is the maximum permitted and 21.67% currently exists.

Eight items were marked as exhibits – zoning review, application, survey, architectural floor plans, Board of Health comments, Fire Marshall's review, color variance plan and six photos. The Board accepted the application.

Dante Alfieri, Esq. represented the applicant. Patricia Foran, applicant and A.J. Garito, Engineer – both sworn. Mr. Alfieri reminded the Board they were in front of them in August requesting to keep

the addition without approvals and the Board denied that application. The home is under contract and this new application has a proposal to remove a portion of the addition.

Mr. Garito explained they are proposing to remove the screened-in porch, stairs and a portion of the wood deck. By doing this it would bring the footprint back to the original with the exception of a small portion of the deck to remain. Open to the public. Jennifer Araya – sworn. Ms. Araya stated she is the prospective buyer and they have all been working together to get this resolved the right way. The Board wanted to make sure Ms. Araya understood that they would not be able to do any additions to this home, no pool, not even a shed because they exceed the total lot coverage. Ms. Araya understood.

The Board appreciated the effort made by the applicant and the reduction in coverage.

Motion to Approve the Application:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Florek at 10:50 p.m. to adjourn the meeting, seconded by Ms. Burke and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on October 16, 2014 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on November 20, 2014.

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