

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
SEPTEMBER 15, 2011 AT 8:00 P.M.**

Mr. Hesslein 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: Hesslein, Bennett, Karch, Sobieski, Farrell and Farrell

ABSENT: Burry, Wagar and Yodakis

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

**Approval of Minutes:**

Motion to Approve the August 18, 2011 Meeting Minutes:

OFFER: Farrell

SECOND: Sobieski

AFFIRMATIVE: Hesslein, Bennett, Sobieski and Farrell

NEGATIVE: None

**RESOLUTIONS:**

**ZB872 – Loshiavo – Block 51, Lot 2.32 – 3 Air Dancer Lane**

Memorialization of Resolution granting approval for an inground pool, cabana, patio and retaining walls in the AG Zone. Variances are required to permit a building separation of 16' from the hot tub where 20' is required and a total lot coverage of 15.88% where 15% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Farrell

SECOND: Sobieski

AFFIRMATIVE: Hesslein, Bennett, Sobieski and Farrell

NEGATIVE: None

**ZB873 – Monmouth Medical Center – Block 46, Lot 16 – 310 Highway 34**

Memorialization of Resolution granting approval to install a second 36 s.f. façade sign in the B-1 Zone. Variances are required to permit a second façade sign where only one is permitted.

Motion to Memorialize the Resolution:

OFFER: Sobieski

SECOND: Hesslein

AFFIRMATIVE: Hesslein, Bennett, Sobieski and Farrell  
NEGATIVE: None

**ZB874 – Raval – Block 8, Lot 6.10 – 4 Fulling Mill Lane**

Memorialization of Resolution granting approval to install a 5' jerith fence in the A-1 Zone. A variance is required to permit 5' fence in the front yard where 4' is the maximum height permitted.

Motion to Memorialize the Resolution:

OFFER: Hesslein  
SECOND: Farrell  
AFFIRMATIVE: Hesslein, Sobieski and Farrell  
NEGATIVE: None

**ZB876 – Pereira – Block 13, Lot 2 – 60 Crine Road**

Memorialization of Resolution granting approval to construct a detached garage in the A-1 Zone. A variance is required to permit a total lot coverage of 21.8% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Hesslein  
SECOND: Sobieski  
AFFIRMATIVE: Hesslein, Bennett, Sobieski and Farrell  
NEGATIVE: None

**ADMINISTRATIVE:**

None

**APPLICATIONS: Old Business**

None

**APPLICATIONS: New Business:**

**ZB877 – Burke – Block 26, Lot 14 – 37 Bucks Mill Road**

Application to construct a second story addition with balcony over the existing garage in the A-3 Zone. A variance is required to permit a building coverage of 8.53% where 6.6% is the maximum permitted and 8.37% currently exists.

Eight items were marked as exhibits – zoning review, application, Fire Prevention Bureau's review, Board of Health comments, survey, architectural plans and a closer photo of the back of house. Candace and Michael Burke, applicants – sworn. The proposed addition is going over the existing garage but there is a two foot overhang which equates to 48 s.f. This overhang is over an existing deck and provides additional shade to the deck. Open to the public with no comments.

The Board felt the applicant had a hardship because the lot is an undersized lot. Since the 48 s.f. overhang is over an existing deck the Board felt it was de minimis.

Motion to Approve the Application:

OFFER: Sobieski

SECOND: Karch

AFFIRMATIVE: Hesslein, Bennett, Karch, Sobieski, Farrell and Lewis

NEGATIVE: None

**ZB878 – Aquinas – Block 13, Lot 15 – 257 Heyers Mill Road**

Application to retain a 300 s.f. deck to the rear of the home in the A-1 Zone. Variances are required to permit a front yard setback of 30' for the deck where 75' is required and the house currently has a 6' front setback and a building separation of 16' where 20' is required.

Seven items were marked as exhibits – zoning review, application, Fire Prevention Bureau comments, Board of Health comments, survey and two photo boards with four photos on each. Denise Aquinas and Sean Devaney, applicants – sworn. The applicants got married two months ago and are selling this house. Unbeknownst to Denise her ex-husband did not get permits when he built the deck. When the home inspector discovered items such as the width of the railings that were not to code it was discovered that no permits were ever issued for the deck. Denise's ex-husband had built the deck and she was not aware that he did not get permits. The house was originally built in the 1800's and the entire home is within the front setback. Open to the public with no comments.

The Board felt the applicant had a hardship due to the location of the home and the deck does not negatively impact any neighbors. The Board thought if this was a new application that came before them they would grant it because of the location of the home and it did not exceed the lot coverage.

Motion to Approve the Application:

OFFER: Karch

SECOND: Farrell

AFFIRMATIVE: Hesslein, Bennett, Karch, Sobieski, Farrell and Lewis

NEGATIVE: None

**DISCUSSION ITEMS:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Lewis at 8:25 p.m. to adjourn the meeting, seconded by Mr. Karch 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 15, 2011 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 20, 2011.

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