

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JANUARY 21, 2010 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.”

**Roll Call**

PRESENT: Bennett, Karch, Burry, Hesslein, Sobieski, Wagar, Yodakis and Farrell

ABSENT: None

Mr. Sobieski stated that the Nominating Committee’s recommendation was Geoff Karch as Chairman, Don Burry as Vice-Chairman, Rob Hesslein as Secretary and Ruth Leininger as Assistant Secretary. There were no other nominations from the Board; nominations were closed.

Motion to Adopt a full slate:

OFFER: Sobieski

SECOND: Hesslein

AFFIRMATIVE: Bennett, Karch, Burry, Hesslein, Sobieski, Wagar and Yodakis

NEGATIVE: None

ABSTAIN: None

The meeting was turned over to Mr. Karch.

The Board adopted the schedule for meeting dates for the remainder of 2010 at 8:00 p.m. in the meeting room at Town Hall as follows:

February 18, 2010	August 19, 2010
March 18, 2010	September 16, 2010
April 15, 2010	October 21, 2010
May 20, 2010	November 18, 2010
June 17, 2010	December 16, 2010
July 15, 2010	

Motion to adopt schedule:

OFFER: Burry

SECOND: Sobieski

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski, Wagar and Yodakis

NEGATIVE: None

Motion to Appoint Township Engineer, Glenn Gerken:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski, Wagar and Yodakis

NEGATIVE: None

Motion to Appoint Zoning Board Attorney, Michael B. Steib, Esq.:

OFFER: Burry

SECOND: Wagar

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski, Wagar and Yodakis

NEGATIVE: None

Motion to Appoint Landscape Architect, Julie McGowan:

OFFER: Hesslein

SECOND: Sobieski

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski, Wagar and Yodakis

NEGATIVE: None

Motion to Appoint Radio Frequency Engineer, Dr. Bruce Eisenstein:

OFFER: Sobieski

SECOND: Wagar

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski, Wagar and Yodakis

NEGATIVE: None

Motion to Approve the December 17, 2009 Meeting Minutes:

OFFER: Burry

SECOND: Sobieski

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski and Yodakis

NEGATIVE: None

## **RESOLUTIONS:**

None

## **ADMINISTRATIVE ITEMS:**

### **ZB756 – Pagliano – Block 38, Lot 13 - 240C Swimming River Road**

Request for a one year extension of time to the approved variance. The extension of time will begin February 21, 2010 and expire February 21, 2011.

The Board understood Mr. Pagliano has had some real hardships this year and has been unable to bring his garage into conformance. The Board was willing to grant an extension for another year but stipulated this would be the last extension they would grant.

Motion to Approve the Extension of Time:

OFFER: Yodakis

SECOND: Wagar

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Wagar and Yodakis  
NEGATIVE: Sobieski

**APPLICATIONS: Old Business**

None

**APPLICATIONS: New Business:**

**Application ZB829 – Jack Petillo – Block 16, Lot 33.10 – 22 Homestead Drive**

Application to construct a new single family dwelling in the A-1 Zone. A variance is required to permit a building coverage of 7.1% where 6 % is the maximum permitted.

Allan Weiss, Esq. represented the applicant. Seven items were marked as exhibits – zoning review, application, plot plan, elevation drawings, Architectural Review comments, copy of the filed subdivision map and a three page memo to file from Andrew Stockton.

Andrew Stockton, Engineer/Planner – sworn. Mr. Stockton stated the original subdivision map was filed in 1995 and consisted of 22 lots. There are three lots that are still vacant, with this lot being the smallest. The subdivision was created as a cluster subdivision and at the time of creation there was no building coverage limitation. This house was designed to conform to all required setbacks, including the 90' rule and total lot coverage. They feel the house is in character with the established neighborhood. Mr. Stockton gave approximate sizes of the existing houses on Homestead stating this proposed home is of average size. Tim Anfuso, Planner – sworn. Mr. Anfuso checked the property record cards for the same houses and had different square footages for the homes; his were smaller.

Jack Petillo, builder – sworn. Mr. Petillo told the Board he has been a builder for 45 years and knows what buyers are looking for and everyone wants a three car garage. He said this is the smallest home he could build with a three car garage. Open to the public with no comments.

The Board felt this was indeed a smaller lot and warranted a smaller house, a larger house just does not fit. There is no hardship the house has not been built, they should eliminate the variance and build a smaller home.

The applicant asked to carry the application to the next meeting and granted an extension of time to March 18, 2010. This application is carried to the February 18, 2010 meeting with no further notice.

**Application ZB834 - 24 Realty Associates, LLC – Block 46, Lots 13 & 14 – 24 Route 34 South**

Application to lease units M rear, N, P, Q and R to a women's fitness club. A variance is required to permit 163 off-street parking stalls where 180 stalls are required.

This application is being transferred to the Planning Board. The applicant will renote for the new date.

**Application ZB811A – Morris Flancaum – Block 48, Lot 21 – 7 Yearling Path**

Application for a deviation to the approved variance. The applicant is seeking permission to amend Special Condition No. 2 to allow 2,040 s.f. of livable floor area in the attic with plumbing facilities where 500 s.f. was previously approved with no plumbing facilities.

Don Burry recused himself from the application. Sal Alfieri, Esq. represented the applicant. Six items were marked as exhibits – zoning review, application, Architectural Review comments, plot plan, floor plans and letter from Building Subcode Official Robert Corby. Morris Flancaum, applicant – sworn.

Mr. Flancaum explained he received approval last year from the Board for a height variance to allow a height of 38.5’ but the actual height constructed was 37.5’, one foot less than approved. The variance was only for the height, however the Board restricted the living area because they requested that top level have sprinklers. At that time Mr. Flancaum was not sure his well would be able to accommodate sprinklers and was reluctant to condition his approval to that. Therefore the Board limited the finished area to 500 s.f. Since that time Mr. Flancaum has met with a Fire Sprinkler company and found that his well will have enough water and pressure. He then met with Bob Corby, the Building Subcode Official who said everything was in compliance. The ordinance allows this area to be finished, he is just asking for the special condition to be released from his prior approval. The area will be an office that will include large windows to enjoy the views. He has added a second staircase, closet, bathroom and lounge area and of course he will be sprinkling the area. Open to the public with no comments.

The Board felt that finishing the area does not require any variances other than the restriction they previously placed on the applicant. The applicant will be installing a sprinkler in the attic and both the Fire Marshall and Building Official are satisfied.

Motion to Approve the Application:

OFFER: Hesslein

SECOND: Wagar

AFFIRMATIVE: Karch, Bennett, Hesslein, Sobieski, Wagar, Yodakis and Farrell

NEGATIVE: None

**Application ZB836 – Daniel Rocco – Block 7.05, Lot 2 – 76 Tulip Lane**

Application to construct a second story addition over an existing on story dwelling. Variances are required to permit a front setback of 77.4’ where 87.5’ is required, side setbacks of 47.7’ and 48.6’ where 52.5’ is required and building coverage of 8.4% where 6.6% is the maximum permitted.

Five items were marked as exhibits – zoning review, application, floor plans, Board of Health comments and Architectural Review comments. Robert Cook, Architect and Daniel Rocco, applicant both sworn.

Mr. Rocco explained he has lived in this ranch house with his family for 15 years. His three children are now teenagers and he is in desperate need of more living area. When viewing the homes in his neighborhood he thought he would be able to make the footprint larger and add a full second story. He went to Mr. Cook and was told he would have to scale down his plans. They have reduced the plans so that the addition would still be feasible but not extravagant, it is approximately a 2,000 s.f. increase in living space. Open to the public with no comments.

The Board agreed that the majority of homes in that area have put on large additions. This is a modest addition that is consistent with the neighborhood.

Motion to Approve the Application:

OFFER: Wagar

SECOND: Hesslein

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski, Wagar and Yodakis

NEGATIVE: None

**Application ZB837 – Katrina Miller – Block 45.03, Lot 1 – 55 Mine Brook Road**

Application to construct a 60' x 100' indoor riding arena in the A-5 Zone. A variance is required to permit a front yard setback of 79.4' where 150' is required.

Mr. Steib, Esq. notified the Board the applicant's service was deficient. The applicant will renote for the February meeting.

**DISCUSSION ITEMS:**

**New Construction vs. Reconstruction Memorandum**

The Board reviewed the draft memo prepared by Mr. Anfuso and directed him to give it to the Township Committee for their consideration.

**2009 Zoning Board Annual Report**

Mr. Anfuso explained to the Board this is basically the same report the Board reviewed last month but it has been updated to reflect the Board's actions at the December meeting.

The Board requested the information regarding the new construction vs. reconstruction be added to the report as well.

Motion to Approve and Memorialize the Resolution:

OFFER: Burry

SECOND: Sobieski

AFFIRMATIVE: Karch, Burry, Bennett, Hesslein, Sobieski, Wagar and Yodakis

NEGATIVE: None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Hesslein at 9:50 p.m. to adjourn the meeting, seconded by Mr. Burry and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on January 21, 2010 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on February 18, 2010.

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