

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
AUGUST 21, 2008 AT 8:00 P.M.**

Mr. Yodakis called the meeting to order by reading the following statement: “As Chairman and 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.”

**Roll Call**

PRESENT: Yodakis, Bennett, Barnett, Burry, Sobieski, Wagar and Saavedra

ABSENT: Karch and Goubeaud

Also Present: Michael Steib, Esq., Timothy Anfusio, P.P. and Ruth Leininger

**Approval of Minutes**

Motion to Approve the Minutes of July 17, 2008:

OFFER: Wagar

SECOND: Barnett

AFFIRMATIVE: Yodakis, Bennett, Barnett, Sobieski, Wagar and Saavedra

NEGATIVE: None

**RESOLUTIONS:**

**Application ZB754 - Pacheco– Block 38, Lot 15.02 – 327 Lakeside Avenue**

Memorialization of resolution granting a one year extension of time to the approved variance. The extension will start on July 19, 2008 and expire July 19, 2009

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Wagar

AFFIRMATIVE: Yodakis, Bennett, Barnett, Sobieski and Wagar

NEGATIVE: None

**Application ZB751 – Scanelli – Block 51, Lot 6 – 39 Water Street**

Memorialization of resolution granting a one year extension of time to the approved variance. The extension will start on April 19, 2008 and expire April 19, 2009

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Wagar

AFFIRMATIVE: Yodakis, Bennett, Barnett, Sobieski and Wagar

NEGATIVE: None

**Application ZB789 – Andreyko – Block 12.03, Lot 2 – 29 White Oak Drive**

Memorialization of resolution granting approval to construct a second story addition, front porch and detached garage (24’ x 36’) on an undersized lot in the A-1 Zone. Variances are required to permit an accessory side yard setback of 20’ where 25’ is required and a total lot coverage of 24.43% where 20% is the maximum permitted and 25.27% currently exists.

Motion to Memorialize the Resolution:

- OFFER: Barnett
- SECOND: Sobieski
- AFFIRMATIVE: Yodakis, Bennett, Barnett and Sobieski
- NEGATIVE: None

**Application ZB796 – Conti – Block 19, Lot 9 – 52 Laird Road**

Memorialization of resolution granting approval to construct a one story addition to an existing single family dwelling in the A-1 Zone. Variances are required to permit a front yard setback of 70’ where 75’ is required and 38.2’ currently exist and a total lot coverage of 25% where 20% is the maximum and 23% currently exist.

Motion to Memorialize the Resolution:

- OFFER: Barnett
- SECOND: Wagar
- AFFIRMATIVE: Yodakis, Bennett, Barnett, Sobieski and Wagar
- NEGATIVE: None

**Application ZB798 – Ramovic – Block 7.02, Lot 34.08 – 10 Warrenton Lane**

Memorialization of resolution granting approval to construct an inground swimming pool in the A-1 Zone. Variances are required to permit a rear yard setback of 50’ where 60’ is required and total lot coverage of 20.5% where 20% is the maximum permitted.

Motion to Memorialize the Resolution:

- OFFER: Barnett
- SECOND: Wagar
- AFFIRMATIVE: Yodakis, Bennett, Barnett, Sobieski and Wagar
- NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business**

**Application ZB792 – Bryan – Block 19, Lot 11.01 - 45 Phalanx Road**

Application to construct a new single family dwelling in the AG Zone. Variances are required to permit a 3 ½ story dwelling where 2 ½ stories is the maximum permitted and to permit an 8’ wall/fence with a 15.5’ roof structure where 6’ is the maximum height permitted.

The applicant has revised his plans to conform which are currently being processed. The Board chose to dismiss the application without prejudice.

Motion to Dismiss the Application Without Prejudice:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Yodakis, Bennett, Barnett, Sobieski and Wagar

NEGATIVE: None

**Application ZB793 – Meicke – Block 14, Lot 2 – 260 Heyers Mill Road**

Application for Interpretation of the Zoning Ordinance requesting a determination that the existing nonconforming structure has not been destroyed and can be reconstructed without variance approval. In the alternative, the applicant seeks variances to reconstruct an existing detached garage. Variances are required to permit a front setback of 27' where 100' is required, side setback of 14' where 27.8' is required, total accessory building coverage of 6.9% where 5% maximum permitted, first floor area of 1,472 s.f. where 900 s.f. maximum permitted and total floor area of 1,472 s.f. where 1,200 s.f. maximum permitted.

A letter was received from the applicant requesting this application be carried to the September meeting and also gave an extension of time to October 31, 2008. This application is carried to the September 18, 2008 meeting with no further notice.

**APPLICATIONS: New Business:**

**Application ZB800 – Smith – Block 19, Lot 2 – 12 Laird Road**

Application to construct a permanent 16' x 24' farm stand, parking area and sign in the A-1 Zone. Variances are required to permit off-street parking within the 75' front setback, a permanent farm stand structure where only a nine month temporary structure is allowed and a separate entrance and exit drives where only one access point is permitted.

Eight items were marked as exhibits – zoning review, application, photo of farm stand, schematic of sign, survey, Fire Prevention comments, Architectural Review Committee comments and photo of stand. John Bowers, 688 Route 34 and Dorothy Smith, applicant – both sworn.

Ms. Smith stated her parents owned this property since 1934 and have always had a farm stand. She recently sold a portion of her property where the stand was and she would like to move the stand to this new location. Ms. Smith stated she needs a stand to sell the vegetables she grows. The new stand and parking will be exactly the same as what exists today. Open to the public with no comments.

The Board asked Ms. Smith if she could eliminate one access point of the driveway in order to eliminate a variance, she was agreeable. The Board stipulated that although the building could remain permanent, it could only be used as a farm stand a maximum of nine months out of the year.

Motion to Approve the Application:

OFFER: Burry

SECOND: Saavedra

AFFIRMATIVE: Yodakis, Bennett, Barnett, Burry, Sobieski, Wagar and Saavedra

NEGATIVE: None

**Application ZB794 – Friend/Raymond – Block 7.26, Lot 13 – 33 Fox Hedge Road**

Application to construct a detached garage in the A-1 Zone. Variances are required to permit a front setback of 78.55' where 100' is required and a side setback of 37.08' where 40' is required.

The applicant did not notice for this meeting. This application is rescheduled to the September meeting and the applicant will have to notice.

**Application ZB797 – Weiss – Block 22.02, Lot 12 – 151 Montrose Road**

Application to construct an inground swimming pool in the A-1 Zone. A variance is required to permit a 10' building separation where 20' is required.

Three items were marked as exhibits – zoning review, application and as-built survey. Deborah Weiss, applicant – sworn.

Ms. Weiss explained during her process of renovating and constructing an addition to this house it was always done with the plan of putting in a pool. She met with the Health Officer because a new septic also had to be put in. As they were digging for the septic the neighbor stopped them stating their septic was very close to the property line, this required her to move the septic 15' closer to the home. Ms. Weiss has met with the pool company and is looking to put in the smallest pool they make, 16' x 24' and this is location is the best they could come up with. Open to the public with no comments.

The Board appreciated the applicant trying everything possible before coming in front of them. Although only a portion of the pool was within 10' of the home the Board did not feel comfortable approving the application without a comment from the Fire Marshall. The applicant requested to carry the application to September to be assured there is not an issue with the Fire Marshall. This application is carried to the September 18, 2008 meeting with no further notice.

**Application ZB795 – Heck – Block 7.02, Lot 27 – 51 West Larchmont Drive**

Application to construct an addition to an existing single family dwelling in the A-2 Zone. Variances are required to permit a front setback of 76.03' where 80' are required, a side setback of 40.6' where 45' is required, a building separation of 5' to the hot tub where 20' is required and a proposed 3 ½ story home where 2 ½ stories is the maximum permitted.

Seven items were marked as exhibits – zoning review, application, variance plan, architectural elevations, Architectural Review Committee comments, photoboard with five photos and a series of seven individual photos. Robert Mulkahey, Architect, A.J. Garito, Engineer and David Heck, applicant – all sworn.

Mr. Garito explained the Heck's property is 1.86 acres with more than half of it in the wetlands. The home is located 40' from the wetland line on a sloping property. The existing home is a 2,500 s.f. expanded ranch with two stories out the back and the garage under. They would like to build an addition to enlarge the home to 3,600 s.f. by adding a second floor, bumping out the home 10' on one side and constructing an elevated deck. Fill can not be brought in because of the wetlands to eliminate the 3½ story home. They have applied for a permit from the DEP, they meet all the requirements but they have not received it as of yet.

Mr. Mulkahey told the Board the Heck's came to him wanting to update their home. The kitchen will be updated and have a deck off it and they will add a family room. They will be adding a second story

over the existing home but not above the garage because of the wetlands setback. The second story they are adding will bring the bedroom up from the first floor. Open to the public with no comments.

The Board felt this was a modest addition the applicants needed. They have a hardship due to the constraints of the property as far as useable area. The grade of the property is what currently exists and is not something artificial the applicant is creating. The Board wanted to be assured the Fire Marshall did not have any problems with the application and also specified no bedrooms could be in the basement.

Motion to Approve the Application:

OFFER: Barnett

SECOND: Burry

AFFIRMATIVE: Yodakis, Bennett, Barnett, Burry, Sobieski, Wagar and Saavedra

NEGATIVE: None

**Application ZB801 – Geissler – Block 1.01, Lot 5 – 10 Clover Hill Lane**

Application to relocate the existing detached garage in the A-1 Zone. A variance is required to permit a side setback of 45.81' where 50' is required.

The applicant did not notice for this meeting. This application is rescheduled to the September meeting and the applicant will have to notice.

**DISCUSSION ITEMS:**

Mr. Burry stated while attending other meetings he noted the description of each application was not read prior to memorializing the resolutions. The Board agreed they would initiate this practice.

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Burry at 9:20 p.m. to adjourn the meeting, seconded by Ms. Barnett 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 21, 2008 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 18, 2008.

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