

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
SEPTEMBER 18, 2003 AT 8:00 P.M.**

Chairman Bennett 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 here 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, McGarry, Barnett, Behrens, Burry, Yodakis, Sobieski and Wager

ABSENT: Megerle

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

Approval of Minutes

Motion to Approve the Minutes of August 19, 2003:

OFFER: Burry

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Wagar

NEGATIVE: None

RESOLUTIONS:

Application ZB542 – Loshiavo – Block 16, Lot 33.18 – 7 Shadowbrook Drive

Memorialization of Resolution granting a request for a second one year extension of time to the approved variance. The extension will begin October 18, 2003 and expire on October 18, 2004.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: McGarry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry and Yodakis

NEGATIVE: None

Application ZB612 –Manzo – Block 21.06, Lot 1 – 2 Saratoga Drive

Memorialization of Resolution granting approval to construct an addition. Variances are required to permit a front setback of 72' where 115' is required, side setback of 46' where 80' is required, building coverage of 7.73% where 6.6% is the maximum permitted and total lot coverage of 23% where 20% is the maximum permitted.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Behrens

AFFIRMATIVE: Bennett, Barnett, Behrens and Wagar

NEGATIVE: None

Application ZB614 – Simon – Block 29, Lot 14.10 – 18 Shady Tree Lane

Memorialization of Resolution denying approval to construct a pool cabana in the A-1 Zone. A variance is required to permit a rear setback of 11’ where 15’ is required.

Motion to Approve the Resolution:

OFFER: McGarry

SECOND: Behrens

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry and Yodakis

NEGATIVE: None

Application ZB616 – Boag – Block 32, Lot 19 - 41 County Road East

Memorialization of Resolution granting approval to construct an addition to a single family dwelling in the A-1 Zone. A variance is required to permit a front setback of 58’ where 75’ is required and 24’ currently exists.

Motion to Approve the Resolution:

OFFER: Barnett

SECOND: Burry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry and Yodakis

NEGATIVE: None

Application ZB617 –Napoliello – Block 16, Lot 34 – One Indian Trail

Memorialization of Resolution granting approval to construct a two story addition to a single family dwelling in the A-1 Zone. A variance is required to permit a front setback of 68’ where 75’ is required and 65.7’ currently exists.

Motion to Approve the Resolution:

OFFER: McGarry

SECOND: Burry

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry and Yodakis

NEGATIVE: None

Application ZB618 – DeSava – Block 22, Lot 10.11 – 13 Driftwood Lane

Memorialization of Resolution granting approval to construct a second story addition over an existing garage. A variance is required to permit a side yard setback of 66’ where 92’ is required and 66’ currently exists.

Motion to Approve the Resolution:

OFFER: McGarry

SECOND: Burry

AFFIRMATIVE: Bennett, McGarry, Behrens, Burry and Yodakis

NEGATIVE: None

Application ZB569 – AT&T – Block 13, Lot 49 – Crine Road

Memorialization of Resolution granting approval for Minor Site Plan Approval as well as a Use Variance in the A-1 Zone. The applicant, AT&T Wireless, proposes to mount cellular antennas on an existing JCP&L power line tower. A Use Variance is required to permit a telecommunication facility in the A-1 Zone. Variances are required to permit an antenna height of 118' where 35' is the maximum height permitted, an antenna front setback of 14' where 75' is required and an equipment compound front setback of 48' where 75' is required.

Motion to Approve the Resolution:

OFFER: McGarry

SECOND: Burry

AFFIRMATIVE: McGarry, Barnett, Behrens, Burry, Yodakis and Sobieski

NEGATIVE: None

ADMINISTRATIVE:

Application #ZB577 – Bordone – Block 21.06, Lot 8 – 102 Long Bridge Road

Request for a one year extension of time to the approved variance. The extension will begin October 17, 2003 and expire on October 17, 2004.

Mrs. Bordone explained to the Board that between the bad weather and family illness their project has been delayed. They should be ready to get building permits within the month, however they are requesting a one year extension of time to protect themselves.

Motion to Approve A Final Extension of Time:

OFFER: McGarry

SECOND: Behrens

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Megerle

NEGATIVE: None

APPLICATIONS: Old Business:

Application ZB608 – Pasquale – Block 7.20, Lot 11 - 47 Mulberry Lane

Application to retain an existing raised patio in the A-2 Zone. A variance is required to permit a front yard setback of 60' where 75' is required. Time to October 31, 2003

A letter was received from the applicants attorney asking to be rescheduled to the October meeting. The Board was concerned that this was the fourth extension, they agreed to extend to October 16, 2003, however stated that this would be their final extension. Mr. Burry objected.

This application was carried to the October 16, 2003 meeting with no further notice.

APPLICATIONS: New Business

Application ZB619 – DeDea – Block 9, Lot 55 – 24 Pilgrim Way

Application to construct a one story addition and front porch to an existing single family dwelling. A variance is required to permit a front setback of 67' where 85' is required and 78' currently exists.

Michele DeDea, applicant – sworn. Seven items were marked as exhibits – the zoning review, application, survey, elevation and floor plans, report from Fire Marshall, report from Architectural Review Committee, a series of ten photographs and the septic location. The applicant is proposing to put an addition on the side of the home, which brings into effect the 90’ rule, adding an additional 10’ to the setbacks. The applicant stated that on the side where the addition is proposed there is not a neighbor, only greenways. The Board was very concerned with the building separation between the pool and the addition. The applicant decided to try and rework her plans and asked to be carried to the October meeting.

This application was carried to the October 16, 2003 meeting with no further notice.

Application ZB620 – Owens – Block 48, Lot 23.22 – 2 Mallet Hill

Application to construct an inground swimming pool and jacuzzi. Variances are required to permit a front setback of 80.71’ where 124’ is required and to permit a 15’ building separation to the spa where 20’ is required.

Sal Alfieri, Esq. represented the applicant. Seven items were marked as exhibits – the zoning review, application, survey, Fire Marshall report, Architectural Review report and two photos. A.J. Garito, Engineer – sworn. Mr. Garito explained to the Board that the applicant owned an irregular shape lot that consisted of nine acres on the corner of Rancho Polo and Mallet Hill. This property also contained a large conservation easement and leaves only approximately 2 _ acres usable. The applicant has installed a berm with vegetation along Rancho Polo to try and gain some privacy and this would hide the visibility of the pool.

James Dumas, Architect – sworn. Mr. Dumas stated that it was his clients wish to have the pool directly behind the home. The Board was concerned with the 15’ separation between the spa and the house, the applicant agreed to move the spa to a conforming location and eliminate that variance.

Open to the public. Kim Rothberg, Route 537 – sworn. Mrs. Rothberg stated that she lived directly behind the applicant. She stated that due to the hardships that the property owner had with this property, she did not have any problem with the variances being granted.

The Board tried to look at other conforming locations for the pool and felt that this was the best location.

Motion to Approve A Final Extension of Time:

OFFER: McGarry

SECOND: Barnett

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry

NEGATIVE: Yodakis and Megerle

Application ZB621 – John – Block 22.08, Lot 17 – 53 Montrose Road

Application to construct a second story addition and new front porch to an existing single family dwelling. A variance is required to permit a rear setback of 34.8’ where 50’ is required and 34.8’ is currently exists.

Mr. Sunny John, applicant – sworn. Six items were marked as exhibits – the zoning review, application, survey, elevation and floor plans, Fire Marshall report and Architectural Review report. Mr. John stated that he has an existing ranch home with a flat roof, he wishes to add a second story

over a portion on the side of the home. It was questioned whether building permits were ever obtained for that nonconforming addition. Mr. John stated that when he purchased this property six years ago the addition was already built.

Mr. Steib, Esq. advised Mr. John that he should seek legal advise as to how he should proceed. The issue of the current illegal addition must be addressed before any action can be taken on the variance. This application was carried to the October 16, 2003 meeting with no further notice.

Application ZB622 – Ahn – Block 33, Lots 13 & 14 0 33A Muhlenbrink Road

Application to construct an addition to the existing single family dwelling. A variance is required to permit a front yard setback of 55’ where 75’ is required and 40’ is required.

Philip and Audrey Ahn, applicants – sworn. Six items were marked as exhibits – zoning review, application, plot plan and elevations, Fire Marshall report, Architectural Review report and an excerpt from the tax map.

Mr. Ahn explained to the Board that they have a flag lot which is undersized. They wish to add a dining room, front foyer and two car garage. The Ahn’s also own the adjoining lot. Open to the public with no comments.

Motion to Approve the Application:

OFFER: Burry

SECOND: Behrens

AFFIRMATIVE: Bennett, McGarry, Barnett, Behrens, Burry, Yodakis and Megerle

NEGATIVE: Barnett

EXECUTIVE SESSION

None

DISCUSSION ITEMS:

The Board discussed a special meeting that was scheduled for September 25, 2003 for Verizon, several of the Board members stated that they were not going to be available that evening. It was decided that the applicant should be advised that there would only be five members available and the Board agreed to reschedule another date for a special meeting if the applicant so wished.

MOTION TO ADJOURN

A motion was made by Mr. Sobieski to adjourn the meeting at 10:35 p.m., seconded by Mr. Behrens 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, 2003 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 16, 2003.

Bernie Behrens, Secretary
Board of Adjustment of the
Township of Colts Neck