

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
OCTOBER 16, 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 (5 minutes late), Barnett, Burry, Karch, Sobieski, Wagar and Goubeaud

ABSENT: Saavedra

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

Approval of Minutes

Motion to Approve the Minutes of September 18, 2008:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Yodakis, Barnett, Sobieski and Goubeaud

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of resolution granting approval to relocate the existing detached garage in the A-1 Zone. A variance is required to permit a front setback of 115.67’ where 150’ is required.

Motion to Memorialize the Resolution:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Yodakis, Barnett, Sobieski and Goubeaud

NEGATIVE: None

ADMINISTRATIVE ITEMS:

Application ZB707 – Aragno – Block 1.01, Lot 18 – 45 Clover Hill Road

Request for a one year extension to the approved variance. Time would begin April 20, 2008 and expire April 20, 2009.

An extension of time was requested to give the applicant more time to finalize a contractor. The Board felt this was a reasonable request.

Motion to Approve the Extension of Time:

OFFER: Barnett

SECOND: Sobieski

AFFIRMATIVE: Yodakis, Barnett, Sobieski and Goubeaud

NEGATIVE: None

APPLICATIONS: Old Business

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.

Mr. Meicke told the Board he retained an architect who wrote a report stating 70% of the prior structure is either in place or materials are on site and requested the Board grant him a waiver. Mr. Steib, Esq. told the Board the ordinance requires a three person panel as a prerequisite before the Board can entertain the application; they have no jurisdiction.

Mr. Meicke's report was received this week and Mr. Anfuso is in the process of putting the panel together. This application is carried to the November 20, 2008 meeting with no further 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.

Ms. Weiss met with the Fire Marshall and is in the process of revising her plans. This application is carried to the November 20, 2008 meeting with no further notice.

Application ZB803 – Bridges – Block 35, Lot 22.14 – 36 Rivers Edge Drive

Application to construct a new raised patio and covered porch. Variances are required to permit a 16' separation where 20' is required, an 8% building coverage where 6% is the maximum permitted and 7.55% currently exists and a total lot coverage of 24.6% where 20% is the maximum permitted and 24.1% currently exists.

Dr. Bridges is in the process of revising her plans and requested this application be carried. This application is carried to the November 20, 2008 meeting with no further notice.

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 38.08' where 40' is required.

Three new exhibits were marked – revised plan, zoning review and color rendering of the variance plan. John Friend, applicant and Marc Leber, Engineer both sworn.

Mr. Leber explained they revised the plan to address the neighbors concern and reduced the variance from 2' 11" to 1' 11". However they have also met with the neighbor and she no longer objects to the original variance request of 37.08'. Although they have reduced the variance requested, it makes it very tight to enter the garage. The garage will not be heated and there will only be plumbing in the area off the pool for a sink. Open to the public. Nancy Barnett, 37 Fox Hedge – sworn. Ms. Barnett stated she did not object to the garage being 37' from her property line.

The Board understood that the additional foot would make a big difference to the turning radius and since the adjoining property owner did not object they felt comfortable granting the variance stipulating it could not be used as a residence.

Motion to Approve the Application:

OFFER: Bennett

SECOND: Barnett

AFFIRMATIVE: Yodakis, Bennett, Barnett, Sobieski and Goubeaud

NEGATIVE: None

APPLICATIONS: New Business:

Application ZB802 – Palmeri – Block 16, Lot 53.17 – 7 Old Stable Way

Application to retain a pool patio and cabana. Variances are required to permit a cabana front setback of 73' where 100' is required, a cabana side setback of 20' where 40' is required and a 28.07% total lot coverage where 21.14% is the maximum permitted by way of variance.

Brian Harvey, Esq. represented the applicant. Thirteen items were marked as exhibits – zoning review, application, survey, architectural elevations/floor plans, Board of Health comments, Fire Marshall's comment, Architectural Review comments, photoboard with six photos, blowup of tax map page 3.05, color survey, photo montage, google earth photo of site and variance plan. Mr. Steib also marked a letter that was received opposing the application from William Delessandro, Esq. representing a neighboring property owner.

Marc Leber, Engineer – sworn. Mr. Leber explained the property is pie shaped with a curved radius along the street making a very small back yard creating a hardship to the applicant. They are proposing an extensive drainage system so the run off will not effect any of the neighbors.

Christine Cofone, Planner – sworn. Ms. Cofone explained there was a prior variance granted for this property for the pool permitting 21.14% lot coverage. The irregular shape limits where accessory structures can be placed. The drainage system they are proposing will mitigate any potential drainage issues as a result of the cabana. They have mature vegetation screening the cabana from the street. Out of the 17 homes in the neighborhood 11 have pools and 10 have circular driveways showing this is the character of the neighborhood. Open to the public with no comment.

The Board stated the total lot coverage is 3,185 s.f. over the variance that was approved in 2005 and they felt that was excessive and does not support what the ordinance promotes.

Mr. Harvey asked for the application to be carried. This application is carried to the November 20, 2008 meeting with no further notice.

Application ZB804 – 200 Route 34, LLC – Block 8, Lot 5 – 200 Route 34

Application for Preliminary and Final Major Site Plan Approval and Use Variance in the A-1 Zone, a Use Variance is required to add three part time employees, increase the maximum daily traffic to 28 patient trips and Preliminary Final Major Site Plan Approval is required to retain six off-street parking spaces.

Jeff Ferrier, Esq. represented the applicant. Thirteen items were marked as exhibits – application, correspondence from the applicant, second floor layout, first floor plan, site plan, Resolution ZB426, Fire Marshall comments, Board of Health comments, Zoning Officer comments, Landscape Architect comments, blowup of Tax Map page 3.11, photoboard with six photos and a color rendering of the site plan. Mr. Ferrier explained the property got approval to operate as an orthopedic office until 2003 when a chiropractor purchased it. Mr. Iorio recently purchased the building from the chiropractor but has not occupied it as of yet. Previous to Mr. Iorio’s purchase the parking lot had been expanded without approvals, he would also like to legalize that. The Township requires the lighting be updated, adding a trash enclosure and substantial landscaping between the neighboring residential property.

Dr. Louis Iorio, applicant – sworn. Dr. Iorio explained he is a plastic surgeon who will only see a maximum of three patients per hour. This office is a secondary office and he would only be seeing patients two days in this office. He performs surgery at a separate surgery center. The second floor is only used for storage. Dr. Iorio has one full time employee and three part time employees. They feel that eleven parking spaces and one handicap space would be more than adequate.

Open to the public with no comments. The Board felt the traffic would be reduced from the prior owner and was happy Dr. Iorio would bring the parking area up to standards.

Motion to Approve the Application:

OFFER: Burry

SECOND: Barnett

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

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Ms. Barnett at 10:20 p.m. to adjourn the meeting, seconded by Mr. Sobieski 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, 2008 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on November 20, 2008.

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