

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 21, 2014 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. I further order that this public announcement be placed in the minutes of this meeting”.

Salute the Flag

Roll Call

PRESENT: Bennett, Florek, Burry, Karch, Yodakis and Burke

ABSENT: Farrell and Sobieski

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

Approval of Minutes:

Motion to Approve the July 17, 2014 Meeting Minutes:

OFFER: Burry

SECOND: Florek

AFFIRMATIVE: Florek, Burry, Yodakis and Burke

NEGATIVE: None

RESOLUTIONS:

ZB925 – Divino – Block 35.05, Lot 8 – 21 Dana Lane

Memorialization of Resolution to construct two front porches and retain a shed in the A1 Zone. A variance is required to permit a front setback of 71.76’ where 75’ is required, a side yard setback of 17.34’ where 25’ is required and a building coverage of 6.8” where 6.6% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Yodakis

AFFIRMATIVE: Florek, Burry, Yodakis and Burke

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB926 – Foran – Block 7.23, Lot 6 – 93 Tulip Lane

Application to retain second story addition, deck and screen porch in the A-2 Zone. Variances are required to permit building coverage of 8.17% where 6.6% is required and a total lot coverage of 22.01% where 20% is the maximum permitted.

The Board accepted the application. Six items were marked as exhibits – zoning review, application, survey, architectural floor plans, Board of Health comments and Fire Marshall’s comments.

Patricia Foran, applicant – sworn. Sal Alfieri, Esq. represented the applicant. Ms. Foran explained approximately eight years ago her husband had a two story great room addition put on their house. She was undergoing treatment for cancer at the time and did not know that construction permits were not taken out for the addition. Her husband is now deceased, her son is away at college and she cannot afford the home anymore so she put the home up for sale. A perspective buyer came to Town Hall to review all construction permits and it was discovered that the addition was constructed without municipal approval. Ms. Foran stated she has been paying taxes on the addition and there are no drainage issues or problems caused by this addition. Ms. Foran wants to do whatever is required however the reality is she does not have the money to do any demolition.

Open to the public with no comments. The house was a ranch prior to the addition which allowed a 10% building coverage, now that it is considered a two story the maximum building coverage is 6.6% which the Board struggled with. Although the original home was built prior to the total lot coverage rule of 20% the Board felt that 22.01% was excessive.

The Board had great empathy for the applicant and struggled with their decision. Although they wanted to approve it for the applicant they felt if this was a new application coming in for approval they would not approve it as is.

Motion to Approve the Application:

OFFER: Burry

SECOND: Florek

AFFIRMATIVE: Florek and Burry

NEGATIVE: Bennett, Karch, Yodakis and Burke

ZB927 – McGuiness – Block 7.30, Lot 3.08 – 27 Paddock Lane

Application to retain an outdoor kitchen under construction in the A-5 Zone. A variance is required to permit a building separation of 13’ where 20’ is required.

The Board accepted the application. Six items were marked as exhibits – zoning review, application, survey, plot plan, partial plot plan and Board of Health comments.

Vikki and Michael McGuiness, applicant – both sworn. The McGuiness' stated they are having a lot of work done in their back yard. The landscaper applied for permits but did not understand that the 20' separation was from the deck to the outdoor kitchen, they thought it was from the house. Ms. McGuiness said she spoke to the Fire Marshall who had her move the kitchen 5' from the original location and then stated he would be fine with that location from a fire perspective.

Open to the public with no comments. The Board did not have anything in writing from the Fire Marshall to confirm his approval of this proposed location. The Board conditioned their approval on receiving a letter of approval from the Fire Marshall.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Bennett, Florek, Burry, Karch, Yodakis and Burke

NEGATIVE: None

ZB928 – Muniz – Block 44.01, Lot 23 – 24 Beacon Drive

Application to construct a garage addition in the A-1 Zone. Variances are required to permit a front setback of 77.7' where 90' is required and 77.7' currently exists, a side setback of 43.2' where 61' is required and 43.2' currently exists and a building coverage of 6.44% where 6% is the maximum permitted.

Mr. Steib, Esq. announced that when the Asbury Park Press printed the legal notice for Mr. Muniz they left out the line stating the date, time and location of the hearing. The newspaper will have to print the legal notice again but property owners will not be renoticed. This application is carried to the September 18, 2014 meeting.

ZB930 – Lubin – Block 35, Lot 22.15 – 34 Rivers Edge

Application to construct a second story addition over an existing garage in the A-1 Zone. A variance is required to permit a side yard setback of 45.2' where 55' is required and 45' currently exists.

The Board accepted the application. Four items were marked as exhibits – zoning review, application, architectural plans and Board of Health comments.

Marc Lubin, applicant and Ed O'Neill, architect – both sworn. Mr. Lubin told the Board they would like to build a fifth bedroom, the house currently has four bedrooms. They have four children and everyone sleeps upstairs except one of their children who is sleeping downstairs in a converted office. Mr. O'Neill explained the only logical and least obtrusive place to put the addition is directly over the existing garage. This house was built prior to the 90' rule and is 105' wide. Because of the new construction the house has to comply with the 90' rule.

Open to the public with no comment. The Board felt the location of the new bedroom was the perfect location and cannot be seen. The variance they were seeking was diminimis.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Bennett, Florek, Burry, Karch, Yodakis and Burke

NEGATIVE: None

DISCUSSION ITEMS:

Mr. Steib advised the Board that he is awaiting the date for the pretrial conference for the Notaro appeal.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Yodakis at 9:10 p.m. to adjourn the meeting, seconded by Mr. Florek 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, 2014 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 18, 2014.

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