

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 16, 2012 AT 8:00 P.M.**

Mr. Yodakis 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: Yodakis, Sobieski, Bennett, Burry, Farrell, Florek (5 minutes late) and Karcher

ABSENT: Karch and Lewis

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

Approval of Minutes:

Motion to Approve the January 19, 2012 Meeting Minutes:

OFFER: Sobieski

SECOND: Farrell

AFFIRMATIVE: Yodakis, Sobieski, Bennett, Farrell and Karcher

NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

ZB871 – Greco – Block 7, Lot 4.3 – 7 Colts Gait Lane

Waiver of a postponement of mortgage subordinating the existing mortgage to the Declaration of Covenants and Restrictions about to be filed.

Sal Alfieri, Esq. represented the applicant. The Greco’s received a variance several months ago for a garage addition which contained a condition that a deed restriction be placed on the property stating the garage could not be used as a dwelling. There is a mortgage on the property and the mortgage holder must sign a subordination agreement for the restriction to survive foreclosure. They have tried to contact the mortgage holder however they are a very large corporation and were unable to speak to anyone; thus they are asking for a waiver from this condition.

The Board sympathized with the applicant and realized the zoning restrictions are enforceable by ordinance.

Motion to Waive the Condition:

OFFER: Burry

SECOND: Farrell

AFFIRMATIVE: Yodakis, Sobieski, Bennett, Burry, Farrell, Florek and Karcher

NEGATIVE: None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB884 – DeBlase – Block 23, Lot 13.11 – 19 Deer Path Lane

Application to construct a front porch on an existing dwelling in the A-1 Zone. A variance is required to permit a front setback of 72' where 75' is required.

Bruce Bennett recused himself from the application. Seven items were marked as exhibits – zoning review, application, plot plan, elevation drawing, architectural plans, Fire Marshall's review and Board of Health comments.

Rich and Catherine DeBlase, applicants – sworn. Mr. DeBlase explained they have a water problem in their basement in the front of the home. In order to remedy the situation they have to dig down approximately three feet and reseal the home. Since they will be doing this work they decided to make the front of the home more aesthetically pleasing by adding a front porch. There is a 4' x 4' triangle of the proposed porch that encroaches into the front yard setback. Open to the public with no comment.

The Board felt the encroachment was diminimis and the front porch will enhance the neighborhood.

Motion to Approve the Application:

OFFER: Burry

SECOND: Sobieski

AFFIRMATIVE: Yodakis, Sobieski, Burry, Farrell, Florek and Karcher

NEGATIVE: None

ZB887 – Raval – Block 8, Lot 6.10 – 4 Fulling Mill Lane

Application to install an inground pool in the A-1 Zone. A variance is required to permit a side setback of 25' where 40' is required and a building separation of 10' where 20' is required.

Five items were marked as exhibits – zoning review, application, survey, Fire Marshall's review and Board of Health comments.

Dr. Sumul Raval, applicant – sworn. Dr. Raval explained he would like to install a pool for his family to enjoy. Although the required setback is 40' there is an existing 25' wide greenway behind his property buffering his property from his neighbor. The deck was existing when he purchased the property and the well and septic restrict the placement of the pool. He is requesting a variance from the building separation. There was a letter from the Fire Marshall stating the unique design of the

pool/spa only infracts upon a small area of the existing fixed steps at the rear of the structure and ground ladder operations would still be able to be carried out.

Open to the public with no comments. Some Board members felt the applicant had a hardship due to the septic and well location. However the greenway buffering the property and the comments from the Fire Marshall made all members feel comfortable to approve.

Motion to Approve the Application:

OFFER: Burry

SECOND: Sobieski

AFFIRMATIVE: Yodakis, Sobieski, Bennett, Burry, Farrell, Florek and Karcher

NEGATIVE: None

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

Motion to Go Into Executive Session:

OFFER: Burry

SECOND: Karchar

AFFIRMATIVE: Yodakis, Sobieski, Bennett, Burry, Farrell, Florek and Karchar

NEGATIVE: None

MOTION TO ADJOURN

A motion was made by Mr. Florek at 8:45 p.m. to adjourn the meeting, seconded by Mr. Karchar and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on February 16, 2012 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on March 15, 2012.

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