

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
DECEMBER 19, 2013 AT 8:00 P.M.**

Mr. Sobieski 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.” followed by flag salute.

**Roll Call**

PRESENT: Sobieski, Bennett, Florek, Karch and Yodakis

ABSENT: Burry, Farrell, Lewis (2 minutes late) and Karcher

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

**Approval of Minutes:**

Motion to Approve the November 21, 2013 Meeting Minutes:

OFFER: Florek

SECOND: Yodakis

AFFIRMATIVE: Sobieski, Bennett, Florek and Yodakis

NEGATIVE: None

**RESOLUTIONS:**

**ZB780 – Barc – Block 1, Lot 33 – 60 Glenwood Road**

Memorialization of Resolution granting five one-year extensions of time to the variance approval granted on April 17, 2008. The extension of time will begin on April 17, 2009 and expire April 16, 2014.

Motion to Memorialize the Resolution:

OFFER: Yodakis

SECOND: Bennett

AFFIRMATIVE: Bennett, Karch and Yodakis

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**Review 2014 meeting dates and adopt January 2014 meeting date.**

The Board reviewed the proposed meeting dates and time for 2014 Zoning Board meetings. The Board decided to continue the start time for the meetings at 8:00 p.m. and approved January 16, 2014 as their Reorganization and Regular meeting.

Motion for January 16, 2014 as Reorganization and Regular Zoning Board meeting:

OFFER: Karch

SECOND: Florek

AFFIRMATIVE: Sobieski, Bennett, Florek, Karch and Yodakis

NEGATIVE: None

### **APPLICATIONS: Old Business**

None

### **APPLICATIONS: New Business:**

#### **ZB918 – DePierro – Block 14, Lot 16 – 4 Revolutionary Road**

Application to install a 10' x 20' shed in the A-1 Zone. Variances are required to permit a front yard setback of 22' where 150' is required and a side setback of 10' where 20' is required.

Joseph DiPierro, III – sworn. Mr. DiPierro explained his property is an irregular shape and has three front yards. He has a small home and needs storage to keep his lawn tractor, tools, etc. and keep the property neat. He would like to leave himself enough room so that in the future he could put an addition on the home and keep far enough away from the well.

Open to the public with no comment. The Board agreed the lot was very awkward and realized the DePierro's are relatively new owners and have been doing a lot of work to the house and property enhancing the neighborhood. Some Board members thought the shed was too close to Revolutionary Road. The applicant agreed to move the shed to maintain a 33' setback from Revolutionary Road.

Motion to Approve the Amended Application:

OFFER: Bennett

SECOND: Florek

AFFIRMATIVE: Sobieski, Bennett, Florek, Karch and Yodakis

NEGATIVE: None

#### **ZB917 – Portadin – Block 29.06, Lot 14 – 19 Oak Glen Lane**

Application to construct front and rear additions to an existing dwelling in the A-1 Zone. A variance is required to permit a front yard setback of 67' where 75' is required.

Eleven items were marked as exhibits – zoning review, application, variance plan, architectural plans, Architectural Review Committee's comments, Board of Health comments, Fire Marshall's comments, blowup of tax map, photoboard with six photos, mounted color variance plan and variance plan with encroachment highlighted. A.J. Garito, Engineer, Chris Rudman, Architect and Todd Portadin, applicant – all sworn.

Mr. Garito explained the Portadin's recently purchased this property which has a stream in the rear of the property. The Portadin's are adding additions to both the front and rear of the home as well as a pool and decking. A flood hazard permit has been submitted to the DEP but the only reason they are requesting a variance is because a small sliver of the front porch (approximately 80 s.f.) encroaches on the required front setback due to the curvature of the cul-de-sac. Open to the public with no comments.

Mr. Rudman explained he tried to keep all of the additions within the required setbacks however having the covered porch extending the full length of the house makes the home look more aesthetically pleasing. The home will be approximately 4,000 s.f. when completed. Open to the public with no comments.

Mr. Portadin stated he has young children and he and his wife were drawn to this house on a cul-de-sac so they could sit out on their front porch and watch their children play.

The Board felt the awkward front property line due to the cul-de-sac made a deminimis amount of the front porch that did not comply with the required setback. The Board also felt the front porch fit the character of the neighborhood, however they stipulated the porch must remain open, the applicant must obtain a NJDEP Flood Hazard permit and Township Engineer grading plan approval.

Motion to Approve the Application:

OFFER: Florek

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Florek, Karch and Yodakis

NEGATIVE: None

**ZB919 – Mollenauer – Block 22.07, Lot 9 – 11 Carriage Hill Drive**

Application to install 14 solar panels behind the existing dwelling in the A-1 Zone. A variance is required to permit a side yard setback of 5' where 40' is required.

Al Yodakis recused himself from this application. Nine items were marked as exhibits – zoning review, application, narrative proposal, plot and elevation rendering, Fire Marshall's comments, Architectural Review Committee's comments, two letters from the Board of Health and a photo marking the location of the proposed solar panels.

Linn Mollenauer, applicant – sworn. Mr. Mollenauer explained he has had solar panels on the roof of his home 5½ years and they are working very well; the energy produced is just about equal to his use. In September he purchased a Nissan Leaf, an electric car. In order for him to remain green, he needs more solar panels and does not have any more room to put them on his roof. Mr. Mollenauer felt the proposed location was the only place that made any sense and aesthetically was the least obtrusive. There is a 50' strip of land approximately 1000' in length that contains a driveway with approximately 500' in length of hedge which would block the solar panels, however Mr. Mollenauer does not own the hedge. Open to the public. Pat Dolan, 4 Carriage Hill Drive – sworn. Ms. Dolan stated she will be able to see the panels as you drive in Carriage Hill Drive and she thinks they are an eye sore. Al Yodakis, Westgate Drive – sworn. Mr. Yodakis stated the solar panels would not be visible from Westgate Drive and would be mostly screened; he did not have a problem with it.

The ordinance stipulates that solar panels should be screened from public streets so any approval that may be granted the applicant would have to work with the town professionals on a landscaping plan.

Mr. Mollenauer stated he planned on replacing a tree that fell during Sandy and agreed to additional landscaping within reason. Board members struggled with placing the panels only five feet from the property line that is screened by trees that are not the applicant's. The Board asked if the applicant would move the solar panels so that there would be a ten foot setback, allowing enough room to plant replacement trees if the existing trees were taken down. Mr. Mollenauer asked the Board to vote on the application as submitted.

Motion to Approve the Application:

OFFER: Karch

SECOND: Sobieski

AFFIRMATIVE: Bennett

NEGATIVE: Sobieski, Florek and Karch

### **DISCUSSION ITEMS:**

None

### **EXECUTIVE SESSION**

Motion to go into Executive Session:

OFFER: Florek

SECOND: Karch

AFFIRMATIVE: Sobieski, Bennett, Florek, Karch and Yodakis

NEGATIVE: None

### **MOTION TO ADJOURN**

A motion was made by Mr. Yodakis at 8:55 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 December 19, 2013 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on January 16, 2014.

---

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