

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 15, 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."

Roll Call

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

ABSENT: Farrell, Lewis and Karcher

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

Approval of Minutes:

Motion to Approve the July 18, 2013 Meeting Minutes:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Bennett, Burry, Florek, Karch and Yodakis

NEGATIVE: None

RESOLUTIONS:

ZB912 Smith – Block 7.22, Lot 4 – 12 Sycamore Place

Memorialization of Resolution to construct an open front porch to an existing dwelling in the A-2 Zone. A variance is required to permit a front setback of 71.8' where 75' is required.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Karch

AFFIRMATIVE: Bennett, Burry, Florek, Karch and Yodakis

NEGATIVE: None

ZB913 – Litwin – Block 33, Lot 1.02 – 24 Creamery Road

Memorialization of Resolution to construct an inground pool and 600' of patio. A variance is required to permit 15.58% total lot coverage where 10% is required and a variance was granted to permit 15.57%.

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Florek

AFFIRMATIVE: Bennett, Burry, Florek, Karch and Yodakis
NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB817A – Notaro – Block 11, Lot 3.05 – 10 Mockingbird Drive

Application to retain patio, walkways and paved areas installed without municipal approval. A variance is required to permit a 20.6% total lot coverage where a variance was granted to permit 17.55%.

Mr. Steib, Esq. advised the Board the applicant's attorney sent an email Wednesday afternoon stating the applicant is retaining a Planner and will not be ready for the meeting this evening. Mr. Alfieri, Esq. has a conflict the date of the September meeting so they are requesting the application be carried to the October meeting. While reviewing the file it raised the question as to whether the principals of res judicata are applicable. Mr. Steib wrote a memo to the Board regarding this and sent a copy to Mr. Alfieri who was not in attendance.

The previous submission was in the file so the Board reviewed the previous submission. The applicant had originally applied for 19.98%, the Board had felt that was too much coverage and the applicant came back with a revised plan and was granted a variance for 17.55% total lot coverage. Three items were marked as exhibits – original plan submitted dated April 14, 2009, approved plan revised July 7, 2009 and the current plan dated April 4, 2013. The Board looked at the plan that was previously submitted and felt this it was substantially the same application.

Motion to Dismiss the Application per Res Judicata:

OFFER: Florek

SECOND: Karch

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

NEGATIVE: None

ZB910 – Short Slate, LLC – Block 11, Lot 6 – 118 Crine Road

Application for Site Plan Waiver to convert the former Stewart's Tool and Die building for the Administrative offices, light fabrication of copper into flashing, ridge caps and valleys and interior storage of materials for Short Slate, LLC, a roofing company in the A-1 Zone.

Ten items were marked as exhibits – application, description of operations, Use Variance plan, review letter from the Township Planner, review letter from the Township Engineer, Board of Health

comments, Architectural Review Committee's comments, Fire Marshall's comments, correspondence from John Giunco and Resolution for Use Variance dated July 18, 2013.

Mr. Bennett, Mr. Burry and Mr. Yodakis all recused themselves from this application. This only left three members therefore there was not a quorum to hear the application. Mr. Giunco, Esq. requested an application be prepared for the September meeting so that if the application is approved they will not lose another month. The Board apologized to the applicant for not having a quorum and directed Mr. Steib to prepare a resolution for next month.

Mr. Giunco granted an extension of time to September 30, 2013. This application is carried to September 19, 2013 with no further notice.

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Karch at 8:45 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 15, 2013 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 19, 2013.

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