

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JANUARY 15, 2015 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” followed by flag salute.

Roll Call

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

ABSENT: None

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

Reorganization

Mr. Steib, Esq. said there was one new member, Thomas Sullivan. All appointed members have been sworn in and signed their oath of office.

The Nominating Committee’s recommendation was Ken Florek as Chairman, Robert Farrell as Vice-Chairman, Don Burry as Secretary and Ruth Leininger as Assistant Secretary. There were no other nominations from the Board; nominations were closed.

Motion to Adopt a full slate:

OFFER: Karch

SECOND: Yodakis

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

NEGATIVE: None

ABSTAIN: None

The meeting was turned the meeting over to Mr. Florek.

Approval of Meeting Dates for 2015:

The Board adopted the schedule for meeting dates for the remainder of 2015 at 8:00 p.m. in the meeting room at Town Hall as follows:

February 19, 2015	June 18, 2015	October 15, 2015
March 19, 2015	July 16, 2015	November 19, 2015
April 16, 2015	August 20, 2015	December 17, 2015
May 21, 2015	September 17, 2015	

Motion to adopt schedule:

OFFER: Sobieski

SECOND: Burry

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

NEGATIVE: None

Appointment of Zoning Board Engineer:

Motion to Appoint Township Engineer, Glenn Gerken:

OFFER: Burry

SECOND: Farrell

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

NEGATIVE: None

Appointment of Zoning Board Attorney:

Motion to Appoint Zoning Board Attorney, Michael B. Steib, Esq.:

OFFER: Sobieski

SECOND: Burry

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

NEGATIVE: None

Approval of Minutes:

Motion to Approve the December 18, 2014 Meeting Minutes:

OFFER: Burry

SECOND: Yodakis

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

NEGATIVE: None

RESOLUTIONS:

ZB939 – Padke – Block 7.29, Lot 3 – 28 Laurelwood Drive

Memorialization of Resolution interpreting the Zoning Ordinance that a second kitchen in the basement of this home does not constitute a change from a single family to a two family dwelling in the A-2 Zone.

Motion to Memorialize the Resolution:

OFFER: Farrell

SECOND: Sobieski

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

ZB907 – Macnow – Block 16, Lot 47 – 1001 Sterling Ridge

Request for a one year extension of time. The extension of time will begin March 21, 2014 and expire March 21, 2015.

Mr. Anfuso advised the Board the applicant decided to scale back the project bringing it more into compliance however this required revising their plans. The applicant is now ready to begin however they did not start construction within one year of receiving the variance thus an extension of time is required.

Motion to Approve the Extension of Time:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB940 – Griffith – Block 10, Lot 9.11 – 2 Western Drive

Application to construct a masonry kitchen, fire pit and extend the patio in the A-1 Zone. A variance is required to permit the outdoor kitchen 9' from the existing dwelling where 20' is required.

Mr. Steib, Esq. stated the certified mailing list for 2 Saratoga had the zip code listed as 07034 which is incorrect for Colts Neck. The applicant mailed it to 07722 and it was signed for therefore the Board has jurisdiction. The Board accepted the application. Seven items were marked as exhibits – zoning review, application, survey, construction drawing, site plan, Fire Marshall's review and Board of Health comments.

Sean Griffith, applicant and Christina Reeves, Project Manager – both sworn. There is an existing patio behind the applicant's home where they would like to construct an outdoor kitchen. The area where they would like to install the kitchen would cause the least disturbance of trees. The counter for the new construction is 9' at the closest point from the home however the actual cooking area is 20' from the home. The Fire Marshall stated the unique layout and distance from the heat source in relation to the existing structure should not present a fire danger.

Open to the public with no comments.

Motion to Approve the Application:

OFFER: Burry

SECOND: Farrell

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

NEGATIVE: None

ZB941 – Sargiss – Block 53.01, Lot 3.04 – 7 Koala Court

Application to retain an existing dwelling that was constructed within the front setback in the A-1 Zone. A variance is required to permit a front setback of 67.7' where 75' is required.

The Board accepted the application. Five items were marked as exhibits – zoning review, application, survey, Board of Health comments and 8 ½" x 11" photo.

Robert McAnanly, Jr. Esq. represented the applicant. This home is under contract to sell when it was discovered the survey shows an encroachment of the front yard setback. When going back to the time they purchased the property in 1996 the contract had an exception showing the encroachment. Because of the arc of the cul-de-sac a portion of the front of the home encroaches into the setback Dr. Sargiss, applicant – sworn. Dr. Sargiss stated the closing back in 1996 was routine and they were never aware of any issues. This property is at the end of a cul-de-sac backing up to green acres and they have never had any complaints.

Mr. McAnanly told the Board this is a severe hardship to try and rectify any other way. This is a unique situation to this property and does not pose any harm to the zoning plan.

Open to the public. Anna Appolonia, realtor – sworn. Ms. Appolonia told the Board she has been the realtor for this property four years. The property is at the end of a cul-de-sac in a relatively isolated part of town and it would be a severe hardship if they would lose this sale.

The Board agreed it would be a severe hardship to rectify this situation in any way other than a variance. The location of the home would not cause a hardship to any neighbors.

Motion to Approve the Application:

OFFER: Karch

SECOND: Burry

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

NEGATIVE: None

DISCUSSION ITEMS:

2014 Zoning Board Annual Report

Mr. Anfuso stated the Annual Report is the same as last month except he updated it to include the application from the December meeting and added their recommendation. The Board thought the report was well done and thanked Mr. Anfuso.

Motion to Approve and Memorialize the Annual Report As Amended:

OFFER: Karch

SECOND: Burry

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

NEGATIVE: None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Bennett at 8:55 p.m. to adjourn the meeting, seconded by Mr. Karch and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on January 15, 2015 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on March 19, 2015.

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