

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 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 and Karch

ABSENT: Lewis and Karchar

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

Approval of Minutes:

Motion to Approve the July 19, 2012 Meeting Minutes:

OFFER: Farrell

SECOND: Burry

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

NEGATIVE: None

RESOLUTIONS:

ZB797 – Kling – Block 22.02, Lot 12 – 151 Montrose Road

Memorialization of Resolution for three one year extensions of time to the approved variance. The extension of time will begin December 18, 2009 and expire December 18, 2012

Motion to Memorialize the Resolution:

OFFER: Burry

SECOND: Karch

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

ZB893 – RTG One, LLC. – Block 19, Lot 1 – 199 Route 34

Application for a Use Variance to construct a 30 seat Brick Oven Pizza Restaurant in the A-1 Zone.

Mr. Steib, Esq. announced that the applicant's attorney sent in correspondence requesting this application be carried to the September meeting. The Board agreed to carry the application however they asked Mr. Anfuso to send a letter to the applicant stating they must advance the application in September or the Board may dismiss the application. This application is carried to September 20, 2012 with no further notice.

ZB895 – Cognata – Block 1.01, Lot 2.04 – 8 Richmond Court

Application to renovate a fire damaged dwelling in the A-1 Zone. Variances are required to permit a building coverage of 6.92% where 6% is the maximum permitted and 6.4% currently exists and total lot coverage of 21.67% where 20% is the maximum permitted and 21.7% currently exists.

Two new items were marked as exhibits – updated zoning review and new architectural plans. Mr. Michael Monroe, Architect and Mr. Steven Cognata – both still under oath. Mr. Monroe told the Board they took to heart the comments they received from the Board last month and reduced the back of the house 159 s.f. The architectural features in the front of the home were able to stay intact. Open to the public Mike Melnyk, 6 Richmond Court asked if the house or driveway would extend any closer to his home? No.

The Board felt the applicant did a good job in reducing the building coverage to where they felt comfortable granting a variance. The Board understood the applicant had a hardship due to the fire and wished his family well. The approval is conditioned on Mr. Anfuso receiving basement cellar calculations for the walkout basement. As directed, Mr. Steib prepared a resolution for the Board so they were able to approve the application and memorialize the resolution.

Motion to Approve the Application and Memorialize the Resolution:

OFFER: Bennett

SECOND: Farrell

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

NEGATIVE: None

APPLICATIONS: New Business:

ZB891 – Ciccone – Block 13, Lot 26 – 221 Heyers Mill Road

Application construct a rear porch in the A-1 Zone. A variance is required to allow building coverage of 7.08% where 6.6% is the maximum permitted.

Richard Pepsny, Esq. represented the applicant. Laura Ciccone, applicant – sworn. Ten items were marked as exhibits – application, site plan, addition plan, zoning review, Board of Health comments, Fire Marshall's comments, Architectural Review Committee's comments, a series of two photos of the patio area, a series of eight photos showing flooding and for identification only an Engineering Report from CME.

The applicant stated her garage is located under the house and showed a series of photos stating her property floods from behind. She said her only resolution to stop getting water in her home is to fill in the garage and build a separate detached garage at a higher grade at a later time. This information is to establish why she will be using the existing back porch as a primary entrance and would like to have an overhang with columns to cover the door to protect you from the weather. The only reason a variance is needed is to permit a roof over the existing porch. No one will be able to see the roof, it is behind the house and they feel the coverage is diminimis.

Tim Anfuso, Planner – sworn. Mr. Anfuso clarified the flooding Ms. Ciccone gets is not only because of recent improvements to the neighbor behind her. This problem has been going on prior to Mr. Anfuso working for the town in 2000. The previous owner came into the township with photos showing the same problem. The applicant’s property is in a hole and there is an extremely a large drainage area extending from Westminster that flows to her property. Open to the public. Tom Orgo, 213 Heyers Mill Road – sworn. Mr. Orgo stated he owns the property behind Ms. Ciccone and he did not feel her property cold handle any more water and suggested the Board go out and look at the property before making a decision. Ms. Ciccone stated there would not be an increase in drainage because the deck currently exists. The new roof will have gutters that will tie into an existing drainage system, she would not exasperate her flooding problem.

The Board could see the applicant did have a flooding problem however they did not have plans showing the current garage being filled in or the new garage and must make their decision based on the plans that were submitted making some members struggle. Other members felt this was an undersized lot, the patio was existing and not visible from the street, so they stipulated the covered area can not be enclosed. The Board also cautioned the applicant when designing the new garage that they granted a variance when this house was renovated and they may not be as favorable if they came back a third time.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Sobieski

AFFIRMATIVE: Yodakis, Sobieski, Burry, Florek and Karch

NEGATIVE: Bennett and Farrell

DISCUSSION ITEMS:

None

EXECUTIVE SESSION

Motion to Go Into Executive Session:

OFFER: Burry

SECOND: Sobieski

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

NEGATIVE: None

MOTION TO ADJOURN

A motion was made by Mr. Farrell at 9:30 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 16, 2012 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 20, 2012.

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