

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
APRIL 19, 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, Karch and Karchar

ABSENT: Lewis

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

**Approval of Minutes:**

Motion to Approve the March 15, 2012 Meeting Minutes:

OFFER: Burry

SECOND: Farrell

AFFIRMATIVE: Yodakis, Bennett, Burry, Farrell and Karch

NEGATIVE: None

**RESOLUTIONS:**

**ZB886 – Tafani – Block 35.03, Lot 19 – 9 Beaver Dam Road**

Memorialization of Resolution granting approval to construct a detached garage in the A-1 Zone. A variance is required to permit a 106.52’ front yard setback where 150’ is required.

Motion to Memorialize the Resolution:

OFFER: Farrell

SECOND: Burry

AFFIRMATIVE: Yodakis, Bennett, Burry, Farrell and Karch

NEGATIVE: None

**ZB888 – Pastor – Block 9, Lot 30 – 51 Blackbriar Drive**

Memorialization of Resolution granting approval to modify existing crawl space into a finished basement in the A-1 Zone. A variance is required to permit 7.11% building coverage where 6% is the maximum permitted.

Motion to Memorialize the Resolution:

OFFER: Karch

SECOND: Farrell

AFFIRMATIVE: Yodakis, Bennett, Farrell and Karch

NEGATIVE: None

**ZB889 – Shurawardi – Block 45, Lot 7.01 – 155 Mercer Road**

Memorialization of Resolution denying approval to install a 5' aluminum fence in the AG Zone. A variance is required to permit a 5' fence in the front yard where 4' is the maximum height permitted.

Motion to Memorialize the Resolution:

OFFER: Farrell

SECOND: Karch

AFFIRMATIVE: Yodakis, Bennett, Farrell and Karch

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

Mr. Yodakis told the Board he received correspondence stating the Mayor will be writing a quarterly column in the local newspapers. If there were any topics the Board would like him to address they should contact the Mayor.

**APPLICATIONS: Old Business**

None

**APPLICATIONS: New Business:**

**ZB890 – Bonanno – Block 34, Lot 16.30 – 3 Orchard Lane**

Application to construct a three car garage addition with a room above in the A-1 Zone. A variance is required to permit a side yard setback of 44.73' where 50' is required and 44.73' currently exists.

Six items were marked as exhibits – zoning review, application, correspondence from Peter Vazquez, Esq. with exhibits, site plan with floor plan, Board of Health comments and Fire Marshall's review.

Anthony Bonanno, applicant – sworn. Mr. Bonanno explained he is looking for extra space in his house for his growing family. He would like to convert his existing garage into living space and construct a new 3 car garage with a room above it. By adding the new garage the house becomes 100' in width, kicking in the 90' rule. The house as it sits today is conforming; however the addition being built on the right side makes a small sliver of the house on the left side nonconforming because the additional 10' is added to the setbacks. Tim Anfuso, Planner – sworn. Mr. Anfuso explained although the left side as it sits today is conforming, adding the addition makes it nonconforming and the addition enhances the situation.

Open to the public. Erik Oberer, 2 Orchard Lane – sworn. Mr. Oberer asked to look at the plans and then stated he thought it looked good and would enhance the neighborhood.

The Board felt the amount of the house that encroached was di minimis and well buffered from the neighboring property. They also felt the shape of the property causes a hardship to the applicant. It was noted the Fire Marshall mentioned a pool application in his review and they wanted clarification that he approved the appddition as a condition of approval.

Motion to Approve the Application:

OFFER: Burry

SECOND: Karch

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

NEGATIVE: None

### **ZB891 – Kelly – Block 30, Lot 1 – 37 Heyers Mill Road**

Application to install an inground pool in the A-3 Zone. A variance is required to permit a pool front yard setback of 40’ and a filter front yard setback of 45’ where 100’ is required.

Mr. Steib announced the notice was defective for this application. The applicant sent notices for two neighbors to their street address and not their mailing address. The applicant will only have to send a new notice to the two neighbors that were incorrectly noticed. The applicant asked if the Board would consider having the attorney prepare a resolution for the next meeting so that if they were inclined to approve the application it could be approved and memorialized in the same night. The Board felt this was not a malicious mistake the applicant made and clarified having the attorney prepare a resolution does not in any way give weight to the application or that it will be approved.

### **DISCUSSION ITEMS:**

The Board asked Mr. Anfuso to clarify what approvals are required for solar panels. Mr. Anfuso stated they are an approved accessory use in all zones as long as the energy that is produced does not exceed what is used by the principal use. Solar panels are permitted on the roofs of homes however if they wish to put them on the ground they must meet setbacks and be screened from public use.

### **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. Florek at 9:15 p.m. to adjourn the meeting, seconded by Mr. Farrell and unanimously carried.

I hereby certify that the above is a true and exact copy of the Meeting minutes for the meeting conducted on April 19, 2012 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 21, 2012.

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