ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JULY 17, 2025, AT 7:00 P.M.

Mr. Reisinger 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 a copy of said Notice to the Asbury Park Press and the Two River Times and that a copy is on file in the office of the Township Clerk. This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times. I further order that this public announcement be placed in the minutes of this meeting.

Salute to the Flag:

Roll Call:

PRESENT:	Reisinger, Farrell, Buzzetta, Dnistrian (arrival 7:04pm), Maguire, Mahoney, Kornbluh
ABSENT:	Nicoletta (excused), Yodakis (excused)

ALSO PRESENT: Timothy Anfuso, Township Planner; and Michael Steib, Esq.

APPROVAL OF MINUTES:

Motion to approve June 19, 2025, meeting minutes:

OFFER:	Mahoney
SECOND:	Kornbluh
AFFIRMATIVE:	Reisinger, Farrell, Buzzetta, Mahoney, Kornbluh
NEGATIVE:	None

RESOLUTIONS:

1. **ZB2005 Santos-Costa:** Block 13, Lot 38 – 21 Ann Street
Memorialization of a Resolution for a one-year retroactive extension of time to the approved variance. The extension will commence retroactively on June 14, 2025, and expire June 13, 2026.

OFFER:	Buzzetta
SECOND:	Farrell
AFFIRMATIVE:	Reisinger, Farrell, Buzzetta, Dnistrian, Mahoney, Kornbluh
NEGATIVE:	None

ADMINISTRATIVE ITEMS:

None.

APPLICATIONS: Old Business

None.

APPLICATIONS: New Business:

1. **ZB2051 – JKCH of New Jersey, LLC – Block 1.01, Lot 28 – 42 The Enclosure East**

Application to build an inground swimming pool. 1,446 sf patio, 4' fence and equipment as shown on the Variance Plan prepared by Two River Engineering dated 5/7/25 revised 6/1/25. Variances are required for proposed pool front setback of 43.86' where 100' is required and proposed equipment side setback of 12' where 25' is required. Time to October 9, 2025.

Michael Steib reviewed the Public Notice and noted the applicant failed to meet the requirements and will need to re-notice the newspaper. The application is being carried to August 21, 2025 meeting. The applicant will not need to resubmit Notice for certified mailings. Mr. Steib advised the applicant's attorney of the deficiency and informed the public that anyone in attendance that the application is being carried to August 21st at 7 pm in this meeting room.

2. **ZB2038 Source Brewery- Block 46, Lot 17.13- 300 Route 34**

Application for a Use Variance and Preliminary and Final Major Site Plan approval. The applicant proposes to retain an outdoor seating area with 8 seats and a retaining wall installed without proper municipal approval. The applicant also proposes a new 30'x40' pavilion to cover eight picnic tables as well as expanding the parking facility by eight stalls. The subject tract is zoned B-1, Business and the existing brewery is not a permitted use. Time to August 12, 2025.

Motion to accept application ZB2038 Source Brewery.

OFFER:	Dnistrian
SECOND:	Reisinger
AFFIRMATIVE:	Reisinger, Farrell, Buzzetta, Dnistrian, Maguire, Mahoney, Kornbluh
NEGATIVE:	None

Mr. Steib introduced the following exhibits:

A1	Development Application August 20, 2024
A2	Aerial Photograph of the property
A3	Description of Operations March 4, 2025
A4	Preliminary and Final Major Site Plan Prepared by Two River Engineering November 18, 2024, also revised November 18, 2024
A5	Survey prepared by Morgan Engineering and Survey April 1, 2024
A6	Architectural Elevation and Floor Plans prepared by Oneill Architecture and Planning, LLC August 28, 2024
A7	Zoning Board Resolution December 21, 2017
A8	Zoning Board Resolution April 19, 2018
A9	Zoning Board Resolution May 20, 2021
A10	Zoning Board Resolution January 18, 2024

A11 Health Officer Report September 3, 20204
A12 Health Officer Report January 12, 2025
A13 Health Officer Report August 30, 2024
A14 Fire Official Report March 11, 2025
A15 Environmental Commission March 19, 2025
A16 Shade Tree Commission September 5, 2024
A17 Code Enforcement Report June 25, 2025
A18 Report from Planner Tim Anfuso Letter July 14, 2025
A19 Report from Engineer Glenn Gerkin July 17, 2025

Bryan Plocker began by introducing the application and introduced AJ Garito, P.E. of Two River Engineering who was sworn in to testify on the application.

Mr. Garito began by displaying images that were not previously submitted to the board which Mr. Steib catalogued as A20 with a colored rendering and A21 which included six images of the seating locations and retaining wall.

Mr. Garito noted that the first element to address was the proposed parking lot expansion, which would generate 8 new stalls and be supported by the existing catch basins and existing retention pond. This extension would need a variance due to the 4.6' distance between the parking lot and property line where 10 feet is required.

Additionally, there are three gravel areas for outdoor seating that were constructed but never permitted which each requires a variance. In the larger area it is proposed to construct a covered patio, 30' x 40'. The seating area that abuts Delicious Orchards and ultimately encroached onto their property has been corrected. The seating below the retaining wall sits on the property line which requires a variance. The last seating area is located 3' from the property line with the assisted living facility where a 20' setback is required. Additionally, one design waiver was noted for landscaping and the applicant agrees to comply with those requirements.

Mr. Anfuso asked Mr. Garito where the retaining wall patio is in relation to the property line with Delicious Orchards to which Mr. Garito said it is now to the property line and a new survey has been requested to show that location and that no encroachment exists.

Mr. Garito noted that Mr. O'Neill would be testifying from the architectural and planning side for the application. He noted the Highway Access Management Plan does have a connection planned between the applicant's parking lot and the assisted living facility, however, with the lot extension they have planned they were not attempting to connect the lots at this time. Mr. Garito asked if there were any questions he could address from the board.

Chairman Reisinger requested that Mr. Garito address the Health Official's, Mr. Tom Frank, concern regarding the septic fields. Mr. Garito noted that they would address those and remove any encroachments that there may be from the footings.

Mr. Dnistrian asked if the wall was constructed without the proper permitting. Mr. Garito noted that the seating areas and the wall were placed without the proper permitting.

Mr. Kornbluh asked how many parking spots were assigned to the applicant. Mr. Garito noted 49 spots. Mr. Kornbluh asked how many additional spots were available in the overflow parking, Mr. Garito noted Professional Circle and Trump national Boulevard have about 40 on-street spots that can be utilized. Mr. Kornbluh asked what the code would dictate seating to parking spots and with a number like 200 seats they would need 100 parking spots.

Chairman Reisinger opened the floor for public comment or questions to Mr. Garito. Daniel O'Hearn, attorney for 36 Hwy 34 S Associates, LLC and Orchards Market, Inc. was introduced and noted his concern of not having something official that shows the encroachment has been corrected and asked when Mr. Garito may have the updated survey. Mr. Garito noted potentially within the next week. Mr. O'Hearn noted that they would request that the encroachment was proven corrected prior to approval from the board. The applicant and Chairman Reisinger noted that request.

Mr. O'Hearn then asked if the seating area in the encroachment would be adults only and whether they had observed what the drainage now looked like with the construction of the wall. Mr. Garito noted that the drainage was designed for the lot coverage that the applicant has not hit yet and with the addition of the wall there was no impact and that it would flow to the catch basins and to the retention basin.

Mr. Plocker then called Mr. Phil Petracca, the applicant, who was sworn in and began testifying. Mr. Petracca spoke on the construction of the retaining wall to the board that this was a reaction to complaints by the neighbor, Delicious Orchards, and that the original plans had a 2.5' retaining wall. They did add the seating space once it was constructed and work with different mediums for the ground to prevent dirt washout and sinking seating.

Mr. Petracca then went on to say that the parking issues are typically exacerbated in the fall due to the communities draw for the farms and produce which had people come in after being in town for apple or pumpkin picking. In the beginning, people were parking on Highway 34, which was a hazard and issue and not something that the applicant had sanctioned. He noted signs have been deployed for no parking and feels the issue has been mitigated over the last year and a half.

Mr. Farrell noted that the original application the Board reviewed did not have outdoor seating and did not consider outdoor seating when reviewing parking considerations with the initial application. Mr. Petracca responded by saying that they do take seating from inside to outside during the nice weather months and/or limit indoor seating to try and mitigate capacity concerns.

Mr. Reisinger requested that Mr. Petracca respond to a comment from the Environmental Commission that complaints had been received regarding dumping of waste/byproduct from the brewery into the retention ponds. Mr. Petracca explained that the issue is actually that the retention basin is not properly draining and a layer of silt and debris, not byproduct or brewery waste, had been collecting. They had the basin pumped and cleared out and have not had further issues. All the brewery byproduct and waste is tanked and picked up by a third-party vendor 2-3 times a week.

Mr. Plocker called the architect/planner for testimony. Mr. Ed O'Neill, resident of Monmouth, and licensed architect and planner in the state of New Jersey. Mr. O'Neill discussed the open-air, metal-roofed structure for the proposed 30' x 40' pavilion. The request is a continuance of non-conformance since the microbrewery is not an allowed use has not been codified within the Zoning Ordinance. He then noted that Source Brewing utilizes locally sourced materials as well as its byproduct is given to farmers locally, which supports the agricultural components of the town and has been successful.

Mr. Farrell asked which local farmers were working with the applicant to which Mr. Petracca noted Fir Farm, Carm's Farm, and a collaboration with Rabbit Hill Farms out of Shiloh as well as other farms for seasonal needs and creations during harvest season and work with Monmouth County farms not strictly Colts Neck.

Chairman Reisinger addressed concerns from Mr. Gerkin in reference to lighting to Mr. O'Neill, Mr. Garito responded that they will comply with the lighting as well as landscaping concerns noted. Chairman Reisinger wanted clarification on the encroachment of 5-6' being removed, was that relocated or simply removed? Mr. Garito noted it was removed.

Mr. Steib swore in Mr. Timothy Anfuso for testimony. Mr. Anfuso addressed his review letter dated July 14, 2025. The applicant and their team addressed several aspects of Mr. Anfuso's review, any notations requiring an approved variance are left to be reviewed by the board. Mr. Anfuso noted a decorative fence may be requested to keep applicant attendees from entering Delicious Orchards' property.

Mr. Anfuso then reviewed the parking and previous resolutions relevant to the Board's previous actions for the applicant. While they applied for use variance, the applicant was looking for a family friendly environment with a mix of indoor and outdoor seating as well as special events. The attendees being limited to what the parking could support.

When the applicant came in for site plan approval, after the use variance was approved the on-site parking and indoor/outdoor seating was further elaborated upon and there were notes that with the 41 parking stalls allocated and the seating estimated it would exceed the parking. The Board then applied occupancy rates as established by building and fire codes which included all seating with an approved total of 60 seats (indoor and outdoor).

The applicant produced a winter and summer seating plan where they reworked indoor/outdoor spaces to support the limited seats. During Covid, it was then agreed that after the pandemic that the total occupancy could go to 75 persons. The issue is that during certain times during the year, they are far exceeding the limitations. Guests are parking on Professional Circle and Trump National Boulevard and then trespassing on the assisted living property or walking down Route 34.

Mr. Anfuso noted something must be addressed with the parking. There are nearby businesses complaining about parking as well as the safety concerns parking across and around Route 34. Mr. Anfuso recommended that the agreement on parking should include a shuttle service to Professional Circle or another business to establish a safe passageway. If the parking concerns

can be properly addressed, the mix of indoor/outdoor seating would be less of a concern on occupancy for the Board's consideration. Alternatively, have the applicant develop a plan to limit attendance to 75 people for occupancy considerations to mitigate the continued issue with regarding code enforcement.

Mr. Anfuso noted Mr. Garito had testified they would work with the landscaping notations. Mr. Anfuso also noted testimony would be needed regarding EV parking spaces and whether it applies to the site. Comment No. 5 in the design of the parking lot, the Highway Access Management has a cross-access easement, that easement interconnects Route 34 to the distillery to A Woman's Place and then runs to the westerly property boundary for hopefully a future connection with the Assisted Living Facility. Unfortunately, when they wrote the description of the assisted living facility easement, it is not on their easterly boundary and there is a 1 foot gap. The applicant approached the assisted living facility to work together to connect, the facility did not express interest. If the Board does grant the 8 additional stalls, they would be forgoing ever having the interconnection with the assisted facility living. My recommendation would be the redesign of the parking space to make the future connection feasible.

Mr. Anfuso concluded his testimony and Chairman Reisinger asked the Board and the public if any comments or questions to Mr. Anfuso. None were noted. Chairman Reisinger than opened up for public comment on the application in general.

Mr. Thomas Orgo, resident, was sworn in by Mr. Steib. Mr. Orgo noted that the concerns have been going on for two years and issues have been ongoing since. The issues are more than five weekends a year and they should look at finding a new location to support their growth.

Chairman Reisinger asked for any additional comments, none were noted. Chairman Reisinger then opened up comments from the board members.

Mr. Farrell noted that the original application was presented to be less of a destination and more of a reflection of the business of the town, however, as a product of success, the volume they are experiencing is just not able to be supported by the property the business exists on.

Mr. Dnistrian noted he has not seen an applicant come through with so many requests for variances, the board exists to enforce the Township's codes and ordinances and the pattern of projects happening without proper permitting is unprecedented. Balancing the requests with the regulations and these requests are a lot.

Ms. Buzzetta echoed concerns with both the patterns and the need to uphold Township regulations.

Mr. Maguire noted he did not feel this was a closed door but there was more to be done to facilitate moving forward at this stage with the current proposals.

Mr. Mahoney and Mr. Kornbluh echoed similar comments with concerns about the setbacks.

Chairman Reisinger noted that he agrees with the comments and the continuance of concerns. You can ask for a vote, adjournment, or withdraw without prejudice.

Mr. Plocker requested an adjournment to reconsider the plans. Mr. Anfuso noted September 18th as next available and that there would be a requirement for additional time from the applicant, Mr. Plocker agreed to be carried to September 18th, and any additional time would be granted. Mr. Steib noted the continuance and that revised plans would need to be received 10 days prior to the meeting. No new noticeable requirements would be required.

Chairman Reisinger opened up for discussion to the Board, there were no noted discussion points. Mr. Kornbluh did note he appreciated the aerial images with the applications that are coming before the Board.

Mr. Steib noted recently passed legislature with a new law that will require notices of hearings to be placed on the municipality website. Mr. Steib suggested the board qualify the newspapers and that when the papers supply the affidavits, a notation for meeting those qualifying requirements is included with the affidavit. The notices for action by the board are included in this to include archival requirements; this will be in action effective by March 1, 2026.

EXECUTIVE SESSION

None.

DISCUSSION

None.

MOTION TO ADJOURN

A motion was made at 8:20 p.m. to adjourn the meeting and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on July 17, 2025, and adopted by the Zoning Board of Adjustment of the Township of Colts Neck at its meeting held on August 21, 2025.

Timothy Anfuso, Acting Secretary
Zoning Board of Adjustment of the
Township of Colts Neck