ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
March 20, 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: Resinger, Dnistrian, Maguire, Nicoletta, Kornbluh, Yodakis

ABSENT: Farrell, Buzzetta, Mahoney

ALSO PRESENT: Timothy Anfuso, P.P., and Michael B. Steib, Esq.

APPROVAL OF MINUTES:

Motion to approve February 20, 2025, meeting minutes:

OFFER:	Dnistrian
SECOND:	Nicoletta
AFFIRMATIVE:	Reisinger, Dnistrian, Nicoletta, Kornbluh, Yodakis
NEGATIVE:	None

RESOLUTIONS:

ZB2039 WISE – Block 50, Lot 24 – 148 Hockhockson Road
Request to dismiss the application without prejudice to reconstruct a guest house, remove barn apartment and modify walkways and hardscape in the AG Zone.

Mr. Steib announced the Board received a February 3, 2025, correspondence requesting this application be withdrawn without prejudice. A formal vote dismissing the application is appropriate.

Motion to dismiss the application without prejudice.

OFFER:	Kornbluh
SECOND:	Nicoletta
AFFIRMATIVE:	Reisinger, Dnistrian, Nicoletta and Kornbluh

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None.

APPLICATIONS: Old Business

None.

APPLICATIONS: New Business:

ZB2046 Attamante _ Block 7.25, Lot 1 – 4 Mulberry Lane
Application to construct rear porch (12' x 39.5'), rebuild upper deck (16' x 18') and resurface lower deck (17' x 12') in the A-2 Zone. Variances are required to permit a building separation of 10 feet where 20 feet required and 6.3 feet currently exists, a principal building coverage of 7.2% where 6.6% is the maximum permitted and a total lot coverage of 24.8% where 20% is the maximum permitted and 23.7% currently exists. Time to June 9, 2025.

Mr. Steib reviewed documents:

A1 Zoning Review from Tim Anfuso dated 11/25/2024.
A2 Variance Application from Kyle and Amanda Attamonte dated 2/10/2025.
A3 Survey Prepared by Morgan Engineering dated 4/23/2018.
A4 Deck Plan prepared by Deck Guarding date 11/12/2024.
A5 Report from Colts Neck Fire Council dated 2/13/2015 with no comments.
A6 Report from Colts Neck Health Department dated 2/10/2025 comments regarding confirming proper distance between septic system, well water, and other structures.
A7 Aerial Photograph of property and surroundings.

Mr. Steib swore in Kyle Attamonte.

Mr. Attamonte thanked the board for reviewing the request. They are looking to resurface deck and build adjacent covered patio structure with the goal of increasing functionality of the space and updating the deck for safety. This request is made with considerations to the overall charm of the home and the cohesion of the property. Working with Deck Guardian we are working with Zoning to best proceed which includes variances.

Mr. Attamonte continued with addressing the first variance: Proposed pool and deck separation of 10' where 20' is required. Currently we have a nonconforming separation of 6.3' from the pool to the deck, this is not changing at all, however, the porch structure will be set at 10'. While we understand the 20' rule we are attempting to improve overall functionality adjacent to the pool and the deck while maintaining the current 6.3' clearance and building for proper drainage and not reducing overall emergency access that currently exists.

Variances two and three Mr. Attamonte addressed together. Proposed building coverage 7.2% where 6.6% is permitted and proposed lot coverage of 24.8% where 20% is permitted and 23.7%

currently exists. These marginal increases are due to the covered patio structure which we are building to be able to spend more time outside under a covered structure since summers are getting hotter. We are mindful of drainage and overall run off with Deck Guardian.

In summary, we have been in our house for about five years now and we love it, and we love our neighborhood. We are looking to do this project for overall functionality and maintain cohesion with the neighborhood and make it a better space for our family. Mr. Attamonte concluded his presentation to the board.

Chairman Reisinger asked Mr. Anfuso if any existing variance applications for the 23.7% coverage, to which Mr. Anfuso noted there was previous nonconformance and that the lot coverages were not in effect until 1997.

Steve asked, what is accounting for the overage of the building separation and overage of lot coverage? Is it the patio pushing it to excess?

Mr. Attamonte noted that it is the patio pushing the coverages to extend the variances. Currently the green section is a pergola, and the increase comes with the blue section, which is currently grass, the deck will be shortened in width to work with the windows of the house.

Board Member asked how do you access? I am assuming the deck is an elevated? Mr. Attamonte confirmed it is an elevated.

Mr. Attamonte noted the stairs are on the pool side of the deck, a 5.5'-6' clearance, we originally wanted to try to make a covered space under the deck, however the distance was not enough clearance.

Mr. Reisinger asked when the deck was built. Mr. Attamonte notes it is estimated to be about 30 years old. Mr. Reisinger asked if the deck was older than the pool to which Mr. Attamonte noted the pool is also estimated to be about 25-30 years.

Board member, so the red part of the deck is being pulled back for the additional separation?

Mr. Attamonte said no it is being pulled back from the blue side, so the width is being brought in as opposed to the distance.

Mr. Anfuso noted the red deck is the resurfacing of an existing deck. The blue area is an a-frame roof porch that they are constructing which adds new buildings and lot coverages. The green section is the shed roof and only adds building coverage. The new a-frame roof for the pool is the 10.

Mr. Steib swore in Mr. Tim Anfuso.

Board Member asked to clarify what was under a-frame roof, is it just more patio? The Attamonte's confirmed it will be more patio.

Chairman Reisinger explained how the next steps work in terms of action and review. You can ask for a vote, if approved good to go- if a denial is received you have to start over from day one to include notifying people and reapplying with Mr. Anfuso and your third option is to request an adjournment and make some changes to your plan and come back.

Mr. Reisinger, making the building separation from 6.3' to 10' more conforming is a bonus however the building coverage is out of line and the 7.2 I cannot support in anyway. Mr. Anfuso is a wealth of knowledge but from my perspective I could not support.

Mr. Dnistrian, this is your first time here and this is something we see all the time. The job of the board is not to inject opinion or perspective or comment on building plans, but we are grounded by what the ordinances and restrictions are and why. Where we see cases that come before us for shapes of lots and what not, but I do not see a hardship here and unfortunately results in more coverage which is historically not something that we do, and I align with the Chairman here.

Mr. Kornbluh, all three variances make me uncomfortable to a degree. You cannot do anything with the way the house is built, the 20' is there for a reason and whether there are bedrooms now you cannot guarantee what may happen down the road. It would not be a safe condition. The overages I am not comfortable, and the safety factor makes it more uncomfortable.

Mr. Yodakis, I do like the fact that the 10' is getting there. The impervious coverage worries me as well. We have a lot of coverage and driveway, or patio and I'd be more inclined if something else was taken away to try and work with the overall drainage and that.

Mr. Nicoletta had nothing to add.

Mr. Maguire the pool deck and separation is better at 10' but the building and lot coverage is difficult and without the hardship it is not something we could accept.

Chairman Reisinger coverage is something big we encounter it a lot and historically we have limits where we go because you buy in Colts Neck for the feel if we don't maintain lot coverages you will get an 8,000 sq foot house on a 12,000 sq foot lot. Historically we have had issues with coverage. Your 10' separation is good, your building coverage which definitely impacts lot coverage is unfortunately where the board's issue is. You can go back to your deck company or architect, whomever to adjust be more conforming. You can ask for a vote, if you're denied you must start over.

Mr. Attamonte requested an adjournment and Mr. Anfuso noted April 24th is the next meeting and would require revised plans 10 days prior to or May 15th either way 10 days prior.

Mr. Steib noted we should capture for the carry to the April 24th meeting if Mr. Attamonte believed it was possible. Motion to carry to April 24, 2025 and no further notice requirements are needed.

EXECUTIVE SESSION

None.

DISCUSSION

Mr. Kornbluh noted concern about the separation ordinances and the 20' as a general observation on many applications and the fire officials do not seem to care and it does not seem to be a big deal to people that should be most involved.

Chairman Reisinger, I have made four attempts to have this rectified and I was asked to stop pushing the issue with the individuals on the other side of this and I will stop pushing the issue.

Board Member asked compared to other municipalities, is 20' standard or is Colts Neck unique? Mr. Steib noted some are more and some are less.

Mr. Mahoney said, Mr Reisinger and I do not mind the rule, I mind the comment. I have tried to address it and I've ran into a wall

Mr. Anfuso the way they explained it is they're never going to be driving a truck around.

Board Member, so why is this an ordinance?

Mr. Anfuso, this is what I've heard but unsure if it's true. The Fire department always wanted the 20 feet but the governing body wasn't going to change the ordinance. So one Committee meeting night they had dragged all of the equipment and wanted the distance for ease and efficiency of access. Members of the Fire Department seem to think it's valuable but to the Fire Official or fire subcommittee it's not necessarily.

Member asked if the board if liable if a variance is approved that impacts a fire response. Not liable for this.

If the Fire Marshal doesn't care, should we recommend to the town to reconsider? We don't do it midstream; it's done at the end of the year. Mr. Steib noted you could note it's a repeated issue and will likely be on our annual report. Mr. Anfuso asked what the board would want to do: abolish, amend, or reduced?

Mr. Kornbluh noted the house is non-conforming and asked if the house burns down is there concern for board liability.

Mr. Steib noted there used to be reports from the Fire Official and they would make recommendations. Mr. Steib has taken the position that the resolution includes there was no comment from Fire Council and the interpretation is that there is no objection and therefore the board assumes there is no concern.

Mr. Anfuso noted we could update the form to specify "No Objection" as opposed to the current "No Comment". There was a concern the form may not be read. There is no obligation to complete the Fire or Board of Health forms by a certain date.

MOTION TO ADJOURN

A motion was made at 7:35 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 March 20, 2025 and adopted by the Zoning Board of Adjustment of the Township of Colts Neck at its meeting held on April 24, 2025.

Krista A. Hill-Kane, Secretary
Zoning Board of Adjustment of the
Township of Colts Neck