ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
December 12, 2024 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 Star Ledger 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, Dnistrian, Mahoney, Maguire, Buzzetta (arrived 5 minutes late), Kornbluh, and Yodakis

ABSENT: Nicoletta (excused)

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

APPROVAL OF MINUTES:

Motion to approve the November 21, 2024, Meeting Minutes:

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

RESOLUTIONS:

ZB2041 Cappelleri – Block 35.05 Lot 17 – 48 Woodhollow Road
Memorialization of a Resolution to construct a 6.3-foot by 9.8-foot front porch and a 12.67-foot by 15-foot rear porch in the A-1 Zone. This existing undersized lot calls for reduced setbacks. Variances are required to allow a front setback of 71.5 feet where 75 feet is required and 77.8 feet exists; to allow a building separation of 10 feet where 20 is required; and to allow a building coverage of 6.99% coverage where 6.6% is the maximum and 6.15% exists.

Motion to Memorialize the Resolution:

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

ZB2042 Peikrishvili – Block 47, Lot 9 – 38 Leland Rd
Memorialization of a Resolution to enlarge a second story addition in the A-3 Zone. A variance is required to allow a principal front setback of 70 feet where 75 is required.

Motion to Memorialize the Resolution:
OFFER: Dnistrian
SECOND: Mahoney
AFFIRMATIVE: Reisinger, Farrell, Dnistrian, Mahoney, and Maguire
NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

ZB2040 Camerer – Block 16, Lot 53.27 – 8 Old Stable Way
Application to remove patio and renovate cabana built without approvals, add patio and lighting, and renovate pool in the A-1 Zone. Variances are required to allow an accessory rear setback of 14 feet where 15 feet is required; to allow a building separation for the porch/cabana of 12 feet where 20 feet is required; to allow a building separation for the porch/pool of 17 feet where 20 feet is required; and to allow a total lot coverage of 24.3% where 20% is the maximum and 25.2% currently exists. Time to February 28, 2025

The applicant requested the application be carried until the January 16, 2025, meeting. The Board agreed to it.

APPLICATIONS: New Business:

ZB2043 Nogales – Block 33, Lot 17 – 268 Route 537
Application to construct a two-story built-in garage addition and side covered porch in the A-1 Zone. Variances are required to allow a principal front setback of 68 feet where 75 is required, a building coverage of 9.87% where 6.6% is the maximum permitted and 7.5% already exists, and a total lot coverage of 24.6% where 20% is the maximum permitted and 23% already exists. Time to February 20, 2025

Ms. Buzzetta arrived prior to testimony ensuing on this application.

The following items were marked as exhibits.
1. Township Planner's Zoning Review dated 05.01.24
2. Variance Application dated 10.23.24

3. Boad of Health Report dated 10.23.24
4. Fire Council Report dated 10.24.24
5. Architectural Review Committee Report dated 11.12.24
6. Aerial photograph of the subject property, undated
7. Architectural Elevations and Floor Plans dated 05.08.23, 01.06.24

Johanna Nogales and Timothy Anfuso, P.P., were sworn. Ms. Nogales stated that her lot is a preexisting nonconforming lot of .35 acres in a 2-acre zone. She maintained that the building and lot coverage guidelines were designed for larger lots of 2+ acres and should not be applicable to her small lot, as they are keeping her from making necessary and practical improvements to her property. Improvements will add 2.27% building coverage and 1.6% total lot coverage.

There were no questions from the audience. The Board was split on whether to approve the application, although several members stated that it was a reasonable request for her home to have a garage. Mr. Reisinger advised the applicant that due to the Board split the application may get denied. He offered her the opportunity to adjust the plans and come back for a vote or to hold the vote now knowing it may fail. The applicant chose to hold the vote.

Motion to Approve the Application:

OFFER:	Farrell
SECOND:	Kornbluh
AFFIRMATIVE:	Farrell, Buzzetta, Maguire, and Kornbluh
NEGATIVE:	Reisinger, Dnistrian, Mahoney

The motion passed.

ZB2039 WISE – Block 50, Lot 24 – 148 Hockhockson Road

Application to reconstruct a guest house, remove barn apartment and modify walkways and hardscape in the AG Zone. Variances are required to allow a second house separation of 47 feet where 100 feet is required and 45 feet currently exists, and a Use Variance is required to reconstruct a nonconforming guest house. Time to March 5, 2025

The following items were marked as exhibits.

1. Variance Application dated 08.26.24
2. Description of Operations
3. Office and Apartment Plan dated 10.25.24
4. Reconstruction Plan dated 10.25.24
5. Zoning Review dated 09.04.24
6. Variance Plan dated 08.01.24
7. Township Planner's Review 12.05.24
8. Board of Health Report dated 09.11.24
9. Fire Council Report dated 09.10.24
10. Architectural Review Committee Report dated 10.08.24
11. Shade Tree Commission Report dated 10.03.24
12. Aerial photograph of subject property, undated

Sal Alfieri, Esq. spoke on behalf of the applicant. AJ Garito, P.E., and Timothy Anfuso, P.P., were sworn.

Mr. Garito presented two additional items as exhibits.

13. Photo Board of property as it exists today

He presented a brief history of the farm, stating that in 1987 the lot was a 22-acre farm with a couple of cottages on the property. The main house was constructed with written assurance from the applicant that the cottage would be torn down once the main house was completed. Historical evidence of the property status is sparse. Testimony had been pieced together from various sources. In 1990 they subdivided out 10 acres. The map identified the cottage as a structure. Today there are four structures: the main house, the cottage, and two barns, one with a vacated agricultural labor apartment. Mr. Anfuso stated there was no mention of the cottage as part of the approval of the subdivision. The applicant proposes to reconstruct the cottage and decommission the living quarters in the barn, turning it into office and storage space. The property is no longer farm assessed, and not eligible for an agricultural labor unit. The kitchen of the apartment space will be removed.

The application does not include variance relief for building or lot coverage. They are requesting a Use Variance for a second dwelling and a building separation variance. They are adding a deed restriction to only allow family members by blood and their spouses to live in the cottage. The restriction would be carried forward to future owners.

Mr. Anfuso stated that he is not sure if the agricultural labor unit was legal after the subdivision. However, it should have been decommissioned within six months of losing farmland assessment in 2022.

Mr. Reisinger opened up the meeting to Board discussion. He felt the Board didn't have the right to overturn a previous Board's decision. He believed the cottage should have been removed in 1987 and the agricultural labor unit should have been abandoned in 2022. For those reasons he does not support the application. The Board seemed to be leaning toward voting against the application.

Dr. Alan Wise, the applicant, was sworn and gave the history of the property as he knows it. He stated the cottage was originally scheduled to be torn down then he received a call from Mr. George Fessler, Planning Board Chairman, who told him the cottage was of historical significance and therefore he didn't have to demolish it. There is no written evidence to support this statement. Once the cottage is reconstructed, Mr. Wise will move into it and his son-in-law will reside in the main house. His son-in-law is currently taking on the workings of the farm. It is their goal to reestablish farmland assessment.

Rather than face a vote that may not go in his favor, the applicant chose to have the application carried until February 20, 2025, to give him time to gather up more historical facts to support the application.

DISCUSSION

Annual Report
Mr. Anfuso presented the 2024 Annual Report and noted the updates since the last meeting.

Proposed 2025 Meeting Dates
Mr. Anfuso reminded the Board that they will be voting on the proposed dates at the reorganization meeting in January.

EXECUTIVE SESSION

Narrative/None

MOTION TO ADJOURN

A motion was made at 8:05 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 December 12, 2024, adopted by the Board of Adjustment of Colts Neck Township at its meeting held on January 16, 2025.

Joni VanNest, Secretary
Zoning Board of Adjustment of
Colts Neck Township