ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
NOVEMBER 21, 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, Buzzetta, Dnistrian, Mahoney, and Maguire

ABSENT: Nicoletta (excused), Kornbluh (excused), and Yodakis (excused)

ALSO PRESENT: Timothy Anfuso, P.P., and Martin Pfleger, Esq.

APPROVAL OF MINUTES:

Motion to approve the October 17, 2024, Meeting Minutes:

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

RESOLUTIONS:

None

APPLICATIONS: Old Business

ZB2041 Cappelleri – Block 35.05 Lot 17 – 48 Woodhollow Road
Application 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. Time to January 28, 2025

Two new exhibits were presented.

9. Architectural Elevations and Floor Plans dated 06.04.24, revised 11.09.24
10. Zoning Review from Tim Anfuso, P.P., dated 11.13.24

The applicants and Mr. Anfuso were reminded that they are still under oath. Ms. Buzzetta recused herself from hearing this application.

Mrs. Cappelleri shared that the plans were changed to reduce the front porch overhang by two feet and the rear pergola overhang by eight feet. They also reduced the size of the pergola. Concerning the separation issue, the Board was reminded that the yard has an alternate side access to allow the entrance of firefighting equipment.

Motion to Approve the Application:

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

APPLICATIONS: New Business:

ZB2032 Razilov – Block 22.05, Lot 6 – 11 Parkwood Lane

Application to retain a cabana in the A-1 Zone. Variances are required to allow an accessory rear setback of 18.2 feet where 50 feet is required, to allow a cabana and house separation of 7 feet where 20 feet is required, to allow a lot coverage of 20.5% where the maximum permitted is 20%, to allow a building volume of 23,249 cubic feet where 13,000 cubic feet is the maximum permitted, and to allow a cabana first floor area of 1,455 square feet where 900 square feet is the maximum permitted, to allow a cabana total floor area of 1,455 square feet where 1,200 square feet is the maximum permitted. Time to February 6, 2025

The following items were marked for exhibit.

1. Zoning Review from Tim Anfuso, P.P., dated 09.20.24
2. Application dated 05.10.24, revised 09.19.24
3. Architectural Plans dated 08.19.24
4. Health Officer Report dated 09.24.24
5. Fire Council Report dated 09.27.24
6. Architectural Review Committee Report dated 10.08.24
7. Aerial photo of the subject property, undated
8. Variance Plan dated 05.01.24, revised 08.05.24

Attorney Lauren Papaleo represented the applicant. The applicant, Stanislav Razilov, and Mr. Anfuso were sworn. Mr. Razilov explained that he recently moved from Brooklyn, NY, and was unfamiliar with the Township's code concerning construction on one's property and built the cabana without zoning approval.

AJ Garito, P.E. was sworn. He brought two additional exhibits.

9. Color Rendering of the Variance Plan
10. Photo Board containing six color photos of the property

Mr. Garito went over each variance request. He specifically noted the building separation issue between the house and the cabana to allow access for firefighting equipment. He shared that the house has a vaulted ceiling in that part of the house and therefore does not have a second floor. Firefighting ladders would not be necessary for that part of the house in an emergency as it contains no living space. He noted the unusual circumstance of the property improvements having already been built. So rather than asking for permission to build, they are asking for permission to keep the cabana or to allow for some modifications to keep it.

Mr. Anfuso advised the Board that the cabana was built without approval in 2023. He was uncertain how it came to the attention of the town.

Board members felt the request was an over development of the property, stating that had the application come in prior to construction it would have been denied.

Mr. Anfuso shared ways in which they could alter the structure to be more compliant. The applicant asked for an adjournment to restructure the project. The application was carried to January 16, 2025. Revised plans must be submitted to zoning two weeks prior. No additional notice will be required.

ZB2042 Peikrishvili – Block 47, Lot 9 – 38 Leland Rd

Application 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. Section 102-64F allows additions to nonconforming structures as long as the addition complies. Time to February 13, 2025

The following items were submitted as exhibits.

1. Zoning Review from Tim Anfuso, P.P., dated 10.16.24
2. Application dated 10.17.24
3. Architectural Plans dated 01.25.24, revised, 10.14.24
4. Site Plan, undated
5. Aerial photo of the subject property, undated
6. Architectural Review Committee Report dated 11.12.24
7. Fire Council Report dated 10.17.24
8. Health Officer Report dated 11.08.24

Elza and George Peikrishvili, and Mr. Anfuso were sworn. Mr. Anfuso explained that he approved a first and second story addition alongside the preexisting non-compliant single story structure. This was allowed as the addition was compliant. After construction started the applicants decided to add a second story on top of the existing first floor. This put the new second story out of compliance, requiring a setback variance.

There were no questions from the Board. Mr. Anfuso had no conditions for approval.

Motion to Approve the Application:
OFFER: Buzzetta
SECOND: Dnistrian
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahoney, and Maguire
NEGATIVE: None

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

The applicant did not provide proof of service prior to the meeting. However, the applicant was present at the meeting and agreed to carry the application until the December meeting. No additional notice will be required.

Motion to carry the Application until December 12, 2024
OFFER: Dnistrian
SECOND: Mahoney
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahoney, and Maguire
NEGATIVE: None

ADMINISTRATIVE ITEMS:

The Board reviewed the proposed meeting dates for 2025 and made a couple of changes. It will be voted on at the reorganization meeting in January.

PUBLIC COMMENTS

Kevin O'Brien, 18 The Enclosure, spoke regarding the design and approvals of 42 The Enclosure. Mr. Anfuso responded to his concerns, stating that the variance approval expired December 15, 2023. The property owner would have to alter his design to meet the requirements of the A-1 Zone or he can make a new application to the Board.

DISCUSSION

Mr. Anfuso briefly presented the Annual Report to the Board. He will present a full briefing at the December meeting.

Mr. Farrell shared his thoughts on the Architectural Review Committee's (ARC) unintended influence on the Zoning Board. He stated that, whereas their review form includes the words "recommended for approval," their approval only considers the aesthetic value of the project, not how it complies with Township Code. This could put the Zoning Board in a compromised

position if the ARC approves an application and the Zoning Board denies it for cause. Other Board members agreed with Mr. Farrell. Mr. Anfuso reminded the Board that the ARC is only an advisory committee. Their job is to review and comment on applications. The Board recommended that they change their form so that it does not include the phrase "recommended for approval." Instead, they can provide comments on the architecture or no comment at all.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made at 8:10 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 November 21, 2024, adopted by the Board of Adjustment of Colts Neck Township at its meeting held on December 12, 2024.

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