ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
August 15, 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, Buzzetta, Dnistrian, Mahoney, Nicoletta, Maguire, Kornbluh, and Yodakis
ABSENT:	Farrell (excused)
ALSO PRESENT:	Timothy Anfuso, P.P., and Michael B. Steib, Esq.

APPROVAL OF MINUTES:

Motion to approve the July 18, 2024, Meeting Minutes:

OFFER:	Nicoletta
SECOND:	Kornbluh
AFFIRMATIVE:	Reisinger, Mahoney, Nicoletta, Maguire, Kornbluh, and Yodakis
NEGATIVE:	None

RESOLUTIONS:

ZB2034 Tonacchio – Block 29.12, Lot 7 – 49 Heyers Mill Road
Memorialization of a Resolution granting approval to remove existing dwelling and construct a new single-family dwelling, inground pool, fence and equipment. Variances are required for a house front setback of 29.3' where 30.3' exists and 75' is required, and for a pool front setback of 82' where 100' is required. NJDEP Freshwater Wetlands and Flood Hazard Permits are required.

Motion to Memorialize the Resolution:

OFFER: Nicoletta
SECOND: Reisinger
AFFIRMATIVE: Reisinger, Mahoney, Nicoletta, Maguire, and Yodakis
NEGATIVE: None

ZB2031 Ivy League Farm/Morgan – Block 10, Lot 2.02 – 14 Princeton Lane
Memorialization of a Resolution granting approval to construct a barn addition with indoor riding arena and detached agricultural labor unit in the AG Zone. Variances are required for a barn front setback of 122 feet where 200 feet required, an agricultural labor unit of 1,518 square feet where 1,200 square feet is the maximum permitted, an agricultural labor unit front setback of 375 feet where 400 feet required, and an agricultural labor unit rear setback of 122 feet where 200 feet required.

Motion to Memorialize the Resolution:
OFFER: Nicoletta
SECOND: Kornbluh
AFFIRMATIVE: Mahoney, Nicoleta, Maguire, Kornbluh, and Yodakis
NEGATIVE: Reisinger

APPLICATIONS: New Business:

ZB2030 Pisano – Block 7.31 Lot 1.30 – 5 Concord Court
Application to relocate existing pool cabana in the A-1 Zone (cluster). Variances are required to allow a rear yard setback of 5 feet where 15 feet is required and zero feet currently exists; and to allow a total lot coverage of 24.4% where 20% is the maximum permitted and 25.1% exits. Time to September 30, 2024

The following items were marked as exhibited
1. Zoning Review, dated 03.22.24
2. Application dated, 03.21.24
3. Variance Plan dated, 03.06.24
4. Board of Health Report dated, 04.05.24
5. Fire Council Report, dated 04.09.24
6. Architectural Review Committee Report, dated 04.09.24
7. Aerial, undated
8. 2 photos of the cabana located on the property, labeled 8A and 8B, undated

Robert Marchese, Esq., spoke on behalf of the applicant. He advised the Board that Mr. Nicoletta was a current client. Mr. Nicoletta recused himself.

Mr. Marchese explained the two variances for this application would seek to improve existing conditions. He also explained the applicant purchased the property in 2013 with its current conditions.

The applicant, Ralph Pisano, was sworn. He testified that no changes had been made to the property since it was purchased. He stated there was nothing but grass, a small stream, and some trees behind the cabana. There are no houses in the immediate vicinity.

Township Planner Timothy Anfuso, P.P. was sworn. He noted that Concord Court is part of a cluster development. There is a 50' Township-owned greenway area behind the applicant's property. Mr. Steib confirmed the purpose of the application is to move the cabana from encroaching on the greenway.

Project engineer, AJ Garito, P.E, was sworn. He presented 2 more exhibits.

9. Color rendering of the Variance Plan 03.06.24
10. Six mounted color photos of the subject property as it is today

He noted the original owner of the property, Mr. Coppede, had the cabana constructed. It wasn't until he went to sell that property that a survey of the land discovered the cabana had inadvertently been located incorrectly in the greenway approximately 20 years ago. Mr. Coppede as well as Mr. Pisano have diligently tried to remedy the situation through various means. However, the government process was long and difficult and very expensive. In the end, Mr. Pisano decided the best course of action was to move the cabana out of the greenway.

Mr. Anfuso was concerned about the potential disturbance to the greenway area during the relocation process.

Mr. Garito reiterated that if approved, the conditions of the lot, though not fully compliant, would be brought more in line with compliance.

Several Board members expressed their appreciation that the applicant examined other avenues of mitigation before applying for a variance.

Mr. Anfuso suggested the following conditions for approval.

- Submission of a final as-built survey once the cabana is relocated
- The applicant stops maintaining the Township greenway
- The applicant will have to correct any disturbance to the greenway with grading and planting. Mr. Garito will present a plan.

Motion to Approve the Application:

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

MOTION TO ADJOURN

A motion was made at 7:34 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 August 15, 2024, adopted by the Board of Adjustment of Colts Neck Township at its meeting held on September 19, 2024.

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