ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
July 18, 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, Mahoney, Nicoletta, Maguire, Kornbluh, and Yodakis

ABSENT: Buzzetta (excused) and Dnistrian (excused)

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

Approval of Minutes:

Motion to approve the June 20, 2024, Meeting Minutes:

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

RESOLUTIONS:

ZB2025 NJ American Water – Block 35, Lot 6.01 – 310 Swimming River Road
Memorialization of a Resolution granting approval for Preliminary and Final Major Site Plan Approval as well as a Use Variance for conversion from chlorine to sodium hypochlorite treatment at the Swimming River Water Treatment Plant. A Variance is required to permit a 1,360 square foot accessory structure where 1,200 square feet is the maximum permitted. The Use Variance is required for not providing the conditional use standard of a 50-foot buffer along the front and southerly side property.

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

ZB2033 Pietracatella – Block 7.25, Lot 9 – 36 Mulberry Lane
Memorialization of a Resolution granting approval to install a 6 foot by 12 foot open front porch in the A-2 Zone. A variance is required for a front setback of 69 feet where 75 feet is required, and 75 feet exists.

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

ADMINISTRATIVE ITEMS:

The chairman opted to hear the new business before the old business due to the anticipated length of the second Ivy League Farm hearing.

APPLICATIONS: New Business:

ZB2034 Tonacchio – Block 29.12, Lot 7 – 49 Heyers Mill Road
Application 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. Time to October 3, 2024

Mr. Kornbluh recused himself from this application.

The following items were marked as exhibited.
1. Township Planner's Zoning Review dated 05.30.24
2. Variance Application dated 05.30.24
3. Variance Plan dated 01.25.24, revised 05.13.24
4. Architectural Plans dated 05.20.24
5. Board of Health Report dated 06.11.24
6. Fire Council's Report dated 06.11.24
7. Aerial View of Subject Property Undated

Applicant Frank Tonacchio was sworn. He called two witnesses to testify.

Donna Bullock, project engineer with Morgan Engineering appeared on behalf of the applicant. She submitted a color rendering of the variance plan as Exhibit 8. Ms. Bullock shared the location of the property in reference to other landmarks. She noted the 100-year plain flood line

as well as the wetlands. The applicant would like to demolish the 1½ story dwelling on site and construct a two-story dwelling in the same location as the existing dwelling. The applicant requests two variances for a front yard setbacks for the house and inground pool. They have submitted an application to the NJDEP for a Letter of Interpretation regarding the wetlands which go along the rear and side of the property. The letter may or may not come back requiring a 50-foot buffer. They are prepared either way. There is also a flood hazard area based on a riparian buffer of 300 feet. They will apply for the appropriate permits from the DEP after Board approval. Ms. Bullock noted the limited availability of land to construct on due to the plain flood and the odd shaped lot–it's wider than it is deep–both adding hardship to comply with zoning guidelines.

Township Planner Tim Anfuso was sworn. He clarified the possible DEP classifications. If they classify it as state opened waters there will not be a buffer. If it gets classified as intermediate wetlands there will be a 50-foot buffer and they will have to apply for a buffer averaging.

Catherine Gregory, a licensed planner, was sworn. She submitted Exhibit 9, a copy of the variance plan, which highlighted the hardship of compliance. She explained the justification for the hardship variance. There are plans to have a fence and landscaping around the pool.

Architect William Cohen was sworn. He testified that the applicant made a conscientious effort to work within the guidelines when designing the home, but was unable to due to the difficulties presented by the site.

Mr. Tonacchio stated that he grew up in Colts Neck and would like to continue living and raising his children here. James Schatzel, a neighbor, was sworn. He spoke in support of the application.

Mr. Farrell would be in favor of the variances if the applicant planted a tree buffer. Other Board members agreed.

Mr. Anfuso's conditions of approval included the 5 notes on the bottom of his zoning review and the submission of a landscape plan as requested by Board members.

Motion to Approve the Application:

OFFER:	Nicoletta
SECOND:	Farrell
AFFIRMATIVE:	Reisinger, Farrell, Mahony, Nicoletta, Maguire, and Yodakis
RECUSED:	Kornbluh
NEGATIVE:	None

APPLICATIONS: Old Business

ZB2031 Ivy League Farm/Morgan – Block 10, Lot 2.02 – 14 Princeton Lane

Application to demolish house and construct a new house, detached garage, barn addition with indoor riding arena and detached agricultural labor unit as well as retain temporary stable tent in the AG Zone. Variances are required for a house front setback of 273.68 feet where 324 feet is required, a house side setback of 110 feet where 164 feet is required, 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, an agricultural labor unit rear setback of 122 feet where 200 feet required, and temporary stable tent rear setback of 77 feet where 100 feet is required. Time to October 2, 2024

Mr. Nicoletta and Mr. Maguire both certified that they had listened to the recording of the previous hearing for this application, allowing them to be able to vote on the application.

Mr. Steib noted additional items marked as Exhibits.

12. Supplemental Zoning Review dated 07.08.24
13. Board of Health Report dated 07.09.24
14. Fire Council Report dated 07.10.24
15. Variance Plan dated 04.26.24, revised 07.08.24

Richard Pepsny, Esquire, appeared on behalf of the client. He distributed revised architectural plans from Keith Mazurek, AIA, dated 07.18.24, to the Board as Exhibit 16.
AJ Garito testified on the revised site plan. A color rendering of the variance plan, dated 07.08.24, was submitted as Exhibit 17. He went over the old plans which required eight variances. Per the Board's suggestion, they looked to see if they could minimize the number of variances requested. He noted the changes they made but they still require a large number of variances. The plans now include a double row of 50 white pines as a rear buffer to hide the barn and parking area from those on Partridge Way. They also showed where the proposed paddocks and the existing temporary tent stable are located. He noted the client has also applied for tent permits since the last meeting.

Mr. Anfuso was sworn. The addition of the temporary tent on the plans created the need for an additional variance. He advised the Board that if they don't approve the tent variance then the applicant will have to remove or relocate it. Mr. Anfuso provided clarification on the number and types of variances requested.

1. Principal dwelling front yard setback
2. Principal dwelling side yard setback
3. Barn front yard setback
4. Agricultural labor unit front yard setback
5. Agricultural labor unit rear setback
6. Agricultural labor unit size
7. Existing temporary stable rear setback

Mr. Garito countered Mr. Anfuso's statement that the temporary stable is no closer to the rear buffer line than the existing barn, which is at 100 feet.

Keith Mazurek, AIA, was recalled to discuss the changes made to the dwelling. He noted the elimination of the drive through on one side of the house in the wing which holds the collectible cars. This reduces the 90-foot rule variance. They tried turning the house to make it conform but found it unsatisfactory, as it looked directly at the neighbor's backyard.

Kevin Murphy, husband of the trainer, Kate Murphy who will run the facility, was sworn. Ms. Murphy was unable to be in attendance as she was on the road for competitions with some of the

horses. He clarified the number of people who will regularly be on site on a daily basis: 1 trainer, 1 assistant, 1 stable worker, and up to 4 clients. In addition, animal caregivers will also be on site as needed. He did not see a dramatic change in the number of people on site once the barn increases from 20 to 30 horses. He stressed that the horses are frequently out of state during competition season and most of them winter in the south.

Michael Mazzola of 23 Partridge Lane asked how many horses will be kept there and how many people will be working there. Per Mr. Murphy, on a busy day he anticipates only around 5 people on site and 30 horses maximum.

Planner Ed O'Neill was recalled. He stated there are two setback variances required for the labor housing, as well as a variance for its size. He claims a hardship regarding the setbacks, that it is impossible to conform since the front and rear setbacks overlap one another. As to the size, the basic house conforms but the addition of the covered porch increases the size of the unit to the point of needing a variance. Per Mr. O'Neill, this is because of the supporting columns. No variance would be needed if they removed the columns, which is possible. However, they believe the house with the porch and columns to be more aesthetically pleasing.

Mr. O'Neill says they have made an attempt to make the house smaller. First by detaching the garage on one side. They also tried "twisting" the house but that had the undesirable effect of looking into the neighbor's backyard and losing the original preferred view. He noted that the house is setback much farther than the other houses on Princeton Lane, providing the illusion that the house is smaller than it is.

James Fiore of 19 Partridge Lane was sworn. He questioned the location of the labor unit, noting it was closer to Partridge Lane than to Princeton Lane, asking if it was the best place to be.

Mr. Anfuso commented on the testimony regarding the hardship issue based on the shape of the lot. He noted the lot is only 10-12 years old, having previously been subdivided from a larger farm. The subdivider of the property intentionally made it a long, shallow lot with its unusual configuration to maximize the yield of the lots on Princeton Lane. The lot was created under all the zoning regulations in play. Thus, it can be considered a self-created hardship.

The applicant, Michael Morgan, spoke. He stated that he was not asking for a variance for the tent, as it is setback 120', not 70' as Mr. Anfuso stated. Mr. Anfuso countered that the determination was based on the plans presented.

There was discussion regarding the distance from the property line to the labor housing unit. Per Mr. Anfuso, there is 122' from the labor housing unit to the beginning of the 50' buffer. Therefore, it is 172' from the labor housing unit to Partridge Lane.

The following people spoke during the public comments.
Richard Amdur, 45 Cross Road
Michael Mazzola, 23 Partridge Way
Vincent Miller, 18 Princeton Lane
Jeffrey Schwalje, 23 Princeton Lane

Pat Miller, 18 Princeton Lane, was informed by the applicant that his contingency plan, if denied, is to not live on the property but to put in a commercial farm. As the applicant's direct neighbor, Ms. Miller would rather look at a beautiful house than a commercial venture.
Michael Arpaia, 19 Princeton Lane, asked how the expansion would change the operations of the business. Mr. Morgan stated the business is operating in place now and the operations will not change with the expansion. Mr. Arpaia requested a trash enclosure so neighbors don't have to see their waste receptacles.

Board members shared their opinions about the application. Whereas they understood some of the challenges created by the odd shaped lot, most agreed they didn't feel comfortable granting so many variances for one project.

The chairman offered a 5-minute break for the applicant to consult with his attorney on whether he should ask for a vote or carry the application until next month.

Mr. Pepsny asked the Board if they would consider breaking up the application so that they would only vote on the barn and the agricultural labor housing unit and remove the house and detached garage from that evening's vote. The Board agreed.

The applicant withdrew the portion of the application regarding the principal dwelling and the garage, leaving the vote for only four variances: 1 for the barn and 3 for the labor housing unit.

Mr. Anfuso noted the following conditions of approval.

- The equine facility shall be limited to a riding/training stable, type 1.
- Need a grading and drainage plan.
- Need building height calculations.
- Need Township Engineer's grading and drainage approval.
- Demolition Permit required for the removal of the existing dwelling prior to the issuance of a Building Permit.
- Occupant of the farm labor units must be a full time employee of the farm. Need annual documentation certifying same.
- Outdoor lighting shall not be permitted.
- Enclosure with concrete pad for manure dumpster will be provided.
- Off-street parking, trailer storage, and manure dumpster must maintain a minimum 50' rear yard setback.
- Landscaping must be installed prior to the issuance of a certificate of occupancy.
- Landscape plan that shields the neighbors must be submitted to the Township Planner showing a line of site from the rear of the farm property to the adjacent residences.

The applicant agreed to the conditions.

Motion to Approve the Application as amended:

OFFER:	Farrell
SECOND:	Nicoletta
AFFIRMATIVE:	Farrell, Mahoney, Nicoletta, Maguire, Kornbluh, and Yodakis
NEGATIVE:	Reisinger

EXECUTIVE SESSION

Narrative/None

MOTION TO ADJOURN

A motion was made at 9:18 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 18, 2024, adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on August 15, 2024.

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