ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
June 20, 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, Kornbluh, and Yodakis

ABSENT: Buzzetta (excused), Nicoletta (excused), and Maguire (excused)

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

APPROVAL OF MINUTES:

Motion to approve the May 16, 2024, Meeting Minutes:

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

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB2033 Pietracatella – Block 7.25, Lot 9 – 36 Mulberry Lane
Application 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. Time to October 2, 2024

Six items were marked as exhibited.

1. Township Planner's Zoning Review dated 05.08.24
2. Application dated 05.23.24
3. Architectural Plans dated 03.12.24, revised 04.26.24
4. Survey dated 10.15.09
5. Fire Council Report dated 06.06.24
6. Board of Health Report dated 06.04.24

Applicant Michael Pietracatella was sworn. He explained that the front door of his home is uncovered and therefore has been unprotected from weathering. He is replacing the door and wishes to construct a small open front porch to protect the new door. Board members had no questions. A condition of approval was that the porch must never be enclosed.

Motion to Approve the Application:

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

ZB2025 NJ American Water – Block 35, Lot 6.01 – 310 Swimming River Road
Application 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. Time to August 10, 2024

The following items were marked as exhibited.

1. Variance application dated 01.06.24
2. Application addendum undated
3. Site plan dated December 2023, revised 03.20.24
4. Township Planner Timothy Anfuso, P.P.'s memo dated 05.09.24
5. Township Engineer Glenn Gerken, P.E.'s report dated 05.13.24
6. Title report dated02.10.24
7. Land use cover and drainage map dated 2022
8. Description of proposed operations
9. NJDEP temporary treatment approval dated 10.16.23
10. NJDEP construction permit dated 01.25.24
11. Freehold Soil and Conservation district approval dated 11.13.23

12. Environmental impact statement dated 03.21.24
13. Land resource map
14. Stormwater management report dated February 2015
15. General location plan 09.22.22
16. Email thread between Carrie Myers and NJDEP from 01.05.24 through 04.10.24 regarding a permit by rule #10
17. Board of Health report 04.10.24
18. Fire Council report dated 04.10.24
19. Environmental Commission report dated 05.01.24
20. Letter from the applicant's attorney, Mr. O'Brien in response to Mr. Gerken's report, dated 06.07.24
21. Letter from the applicant's attorney, Mr. O'Brien in response to Mr. Anfuso's memo, dated 06.07.24

Attorney Neill O'Brien appeared on behalf of the applicant. He noted he did not have a copy of the Fire Council's report and requested a copy. Mr. O'Brien then presented the application as a proposal to develop a small water treatment building for sodium hypochlorite, which will replace the gaseous and more volatile chlorine they are using now. The project also entails constructing a storage building for sodium hypochlorite. A previous application to the Planning Board was granted with the condition the applicant install landscaping along the front edge of the property as well as other locations on site to act as a buffer for nearby residences. They are asking for two bulk variances as well as a continuation of the conditional use buffer. Mr. Anfuso noted the conditional use standards changed since the prior application was approved by the Planning Board, making the property nonconforming.

NJ American Water Project Manager Natalia Shimunova and Planner Anfuso were sworn. She oversees construction projects for the applicant's treatment facilities. She presented testimony on the Swimming River Road plant's size, capacity, operations, staff, and more. She noted there is no public access to the property. She has recently become aware of a few trees from the landscaping project that are dying. They understand their obligation for the upkeep of the landscaping, so the trees will be replaced as needed. She stated the main objective of the project is to replace gas chlorination with sodium hypochlorite chlorination, as the gas is much more dangerous. Chlorination of the water is required by NJDEP. Changing the process from a gas to a solution will make it much safer for all involved. Mr. O'Brien noted the Jumping Brook water treatment plant in Neptune recently went through this same conversion. The need for a new storage facility arises from the fact that gas is a very compressible substance. A large amount can be stored in a small space. The liquid sodium hypochlorite requires more storage space. In response to Mr. Kornbluh's question about the hazards of sodium hypochlorite, Ms. Shimunova stated that it is a corrosive liquid. However, the applicant's storage standards comply with state and federal guidelines. Mr. Anfuso stated he was under the impression the storage structure was going to be temporary housing for the chlorine. Ms. Shimunova concurred. The process of taking the gas chlorination offline involves using temporary housing for the sodium hypochlorite until the construction of a permanent structure can be completed, and after that the building will be used for storage.

Audience member Tom Pacheeko asked how the chemical would be delivered. Ms. Shimunova stated it would be delivered via tanker but would not significantly increase the number of deliveries. In response to a question about the possibility of an accident happening during a delivery, she shared that deliveries take place in a contained area to capture any spills that may occur.

Christopher Olsen, civil engineer, was sworn. He presented two additional exhibits.

22. Aerial photo of the Swimming River plant
23. Proposed improvements overlay

He gave a brief overview of the various structures of the facility. He also identified the location of the required landscaping. He showed that the separation variance request of 12' where 20' is required is due to existing piping which won't allow the building to be located further away. He noted this will not create an access problem for fire vehicles.

Steven Hawk, certified planner, was sworn and provided testimony regarding the two variance requests. He stated that they were requesting a D3 variance. The project meets 8 of the 10 specific standards for the D3 variance. One standard does not apply. The only unmet standard is the 50-foot front and side buffer. The side buffer is not important as it abuts another business, and the front buffer has been softened by landscaping. This is a permitted use. It does no damage to the surrounding area, it is in character with the neighborhood (the plant was there before the development of the neighborhood), and the benefits outweigh the detriments.

He noted that the Township Planner's report points out that the 1,200 square foot size limitation is a residential standard not an industrial standard. The proposed 1,360 square foot structure is a small difference considering the size of the lot. The deviation is also de minus when considering the greater good of the project.

Mr. Anfuso pointed out a couple of comments from his memo. Comment number 4 refers to the previous approval by the Planning Board which requires sound testing. He believes compliance with that condition should be a condition of approval. Comment number 6 indicated the fire official's request for designated No Parking/Fire Lanes to be provided.

Steve Dnistrian questioned the dying landscape trees. Attorney O'Brien explained the applicant is aware of their continued responsibility of providing a landscape buffer. Mr. Anfuso reminded the Board that the town still holds a performance guarantee regarding the previous application's landscape requirement. Mr. Dnistrian had concern over the cause of the trees dying. Rather than poor quality trees or under- or over-watering, he wondered if it could be something leaking into the ground that is killing the trees. Soil testing as a condition of approval was suggested. Victoria Lonnay, Sr. Superintendent of the plant, was sworn. The plant is regulated by the DEP. The trees dying is unlikely to be caused by a chemical leak, as there are spill alarm systems in place. There have been no accidental spills in three to five years.

Audience member Tom Pacheco of Lakeside Avenue was sworn. He spoke of unsightly portions of the property and a spot where there is water leaking out of the berm. As a landscaper, he believes the trees are dying from over-watering. At Mr. Reisinger's suggestion, the Board agreed that as a condition of approval they must have an arborist evaluate the situation and report back

to Mr. Anfuso and Mr. Gerken. Mr. Steib shared the list of applicant agreements. They agreed to sound testing, complying with the fire official requirements, they agreed to have an arborist examine and report on the dying trees, and to comply with any suggestions regarding enhanced plantings within 6 months. The applicant may apply for permits during this time.

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

ZB2031 Ivy League Farm/Morgan – Block 10, Lot 2.02 – 14 Princeton Lane
Application to demolish existing house and construct a new house, barn addition with indoor riding arena, and detached agricultural labor unit in the AG Zone. Variances are required for a house front setback of 273.68 feet where 379 feet is required, a house side setback of 110 feet where 219 feet is required, a house rear setback of 205 feet where 229 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 120 feet where 200 feet required, an agricultural labor unit. Time to October 2, 2024

The following items were marked as exhibited.
1. Variance application dated 04.26.24
2. Variance plan dated 04.26.24
3. Barn arena and farm worker housing plan
4. Elevations and floor plans of residence dated 04.25.24
5. Township Planner Anfuso's memo dated 06.14.24
6. Board of Health report dated 05.01.24
7. Fire Council's report dated 05.03.24
8. Architectural Review Committee report dated 05.14.24
9. Aerial photograph of the subject property, undated

Attorney Richard Pepsny appeared on behalf of the applicant. AJ Garito, P.E. and Tim Anfuso, P.P. were sworn.

Mr. Garito submitted the following exhibits.
10. Color rendering of the variance plan dated 05.24.24
11. Photo board of 6 mounted photos of the property as it exists today

Per Mr. Garito, the property is an odd shape, consisting of 30 acres with several easements and a retention basin. Stormwater management and septic will remain the same. The project consists of the construction of a 17,000 square foot dwelling. Due to the 90-foot rule this will require 3 variances for front, rear and side setbacks. The proposed riding arena and barn extension will also require variances. The agricultural labor dwelling also requires three variances for front and rear setbacks and size. He noted that a residential street, Partridge Way, is located to the north. The properties are separated by a 50' greenway strip.

Architect and planner Edward W. O'Neill, Jr., R.A., of Some Architects was sworn. His testimony centered on the barn and farm workers' building, not the dwelling. The current barn which he states is of a historic nature will be expanded. The riding arena will be angled out from the current building.

The farm workers' lodging is 300+ square feet over the maximum allowed. He clarified that the livable space of the dwellings is within the guidelines at 1,200 square feet. The extra square footage is due to the covered porches.

The buildings were all designed with the intent of having them all blend in together. In keeping with historic tradition and for aesthetic purposes, the buildings are clustered rather than placed all in a row, which would be visually undesirable. By breaking them up into segments it reduces the visual mass. However, this creates setback issues due to the odd-shape. He noted positive feedback from the Architectural Review Committee.

The following meeting attendees had questions for Mr. Garito and the applicant. Richard Amour, 45 Cross Road; Sonja from 15 Partridge Way; and Lindsey Destefano, 11 Partridge Way. In answering their questions, Mr. Garito stated that the labor unit was a two bedroom home. The parking lot is behind the barn because the owner parks his trailers and trucks behind the current barn so they figured it would be a good place to put the parking lot. The plan currently doesn't show any landscaping but he felt that landscaping would provide a screening for those who live behind the property on Partridge Way.

Kimberly Guessford, Equestrian Professional, was sworn. She has a freelance coaching, riding, and training business. She runs the stable for the applicant and several other barns in the area. The existing barn houses 20 horses who are in training. Many of the owners are residents of other states so there isn't a lot of traffic coming and going. Many of the horses winter in Florida, further reducing the traffic to the barn. It is a private business. The only horses boarded there are ones that are in training with the staff. There are no public events and no public access to the arena. During Ms. Guessford's testimony, it was discovered that the applicant has installed an open air tent on the property without zoning approval. The new barn will have the space to house 30 horses. It is unusual to have all the horses on site at one time, as part of the year they are in Florida and during show season they are out on the road at various times. She anticipates the addition of one to four staff members with the expansion of the barn, in addition to the current staff of six. She stated the stalls are cleaned out twice a day, the paddock is picked once per day and the manure is stored in a container behind the barn. The container is removed once per week. It was noted this is in view of the residents on Partridge Way. Hay, harvested on the property, is stored in the barn loft.

Keith Mazurek, AIA, architect for the dwelling, was sworn. Mr. Mazurek designed the house to accommodate the applicant's large family. The applicant's large car collection, in addition to their personal vehicles precipitated the need to create enough storage that was also aesthetically pleasing. The challenge was solved by creating two wings with forward-facing drive-in bays that hide the individual garage doors. Utilizing the same materials for the main house that are on the barn creates visual consistency. He stated that the old address for the farmhouse was Cross Road.

He oriented the new dwelling to Princeton Lane to be more in tune with the neighborhood. The new home will be angled to take advantage of the sun while keeping the open land to retain farm assessment. Developing the property in this way has created the need for multiple variances. He noted that if they reorient the house to comply with one setback it will create a non-conformity of another kind. He believes they have done the best they could on this odd-shaped property.

The applicant, Micheal Morgan, was sworn. He stated that it seemed the neighbors were concerned mostly about the barn. He reiterated the architect's description of how it was designed in a cluster manner rather than in a straight line to be more aesthetically pleasing. He also shared that had they designed the barn extension in a straight line there would be no need for a variance. But the goal was to create something visually pleasing. The barn will hold 30 horses, but the applicant stated his goal is 25 and possibly up to 30. There are no plans for any more than 30. Mr. Reisinger asked about the tent which currently houses 7 horses, and whether it was there when he purchased the land. Mr. Morgan stated it was not, but that one of his managers advised him that no township approval was needed to install the tent. He will address this concern promptly. The tent would be removed once the barn extension is completed.

Neighbors were concerned about the location of the manure storage and the parking lot, while the Board had concerns over the large number of variances that were requested. Due to the late hour and the concerns of Board members and citizens, the chairman carried the application until July 18, 2024, to give the applicant the chance to meet with his neighbors to better understand their concerns and adjust the application accordingly.

EXECUTIVE SESSION

Narrative/None

MOTION TO ADJOURN

A motion was made at 9:46 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 June 20, 2024, adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on July 18, 2024.

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