ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
April 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, Buzzetta, Dnistrian, Mahoney, Nicoletta, Kornbluh, and Yodakis

ABSENT: Farrell (excused), and Maguire (excused)

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

APPROVAL OF MINUTES:

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

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

RESOLUTIONS:

ZB1092 Esposito – Block 23, Lot 5.10 – 4 Tallyrand Drive
Memorialization of a Resolution granting approval for a 1-year extension of time to the Variance Approval to construct two rear additions to a single-family dwelling in the A-1 Zone. The extension of time will begin December 15, 2023, and expire December 15, 2024.

Motion to Memorialize the Resolution:

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

ZB1062 Schwartz – Block 8, Lot 9 – 60 Conover Road
Memorialization of a Resolution granting approval for two 1-year extensions of time to the Variance Approval to return the second floor to a detached garage in the A-1 Zone. The extension of time will begin August 19, 2022, and expire August 19, 2024.

Motion to Memorialize the Resolution:

OFFER:	Kornbluh
SECOND:	Nicoletta
AFFIRMATIVE:	Nicoletta, Kornbluh, and Yodakis
NEGATIVE:	None

ZB2024 Battaglia – Block 29, Lot 8 – 2 Goose Point Road
Memorialization of a Resolution granting approval to construct a one-story addition to a single-family dwelling in the A-1 Zone. Variances are required to allow a front setback of 75.9' where 85' is required and 75.9' currently exists, a side setback of 34.5' where 50' is required, and a rear setback of 50' where 60' is required.

Motion to Memorialize the Resolution:

OFFER:	Nicoletta
SECOND:	Yodakis
AFFIRMATIVE:	Nicoletta, Kornbluh, and Yodakis
NEGATIVE:	None

ZB2026 Rivas – Block 43, Lot 8 – 124 Matthews Road
Memorialization of a Resolution granting approval to install an inground pool in the A-1 Zone. Variances are required to allow a front setback of 62' where 100' is required, and a side setback of 40' where 50' is required.

Motion to Memorialize the Resolution:

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

ZB2027 Economou – Block 29, Lot 11, 68 Bucks Mill Road
Memorialization of a Resolution granting approval to construct a vestibule addition, enlarge the detached garage and convert it to a cabana, install an inground pool, retain paver patio, 4' fence and walkways in the AG Zone. Variances are required to allow a proposed pool front setback of 181' where 322' is required, a lot coverage of 14.85% where 13.10% currently exists and 10% is the maximum.

Motion to Memorialize the Resolution:

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

ZB2028 Boraie - Block 33, Lot 20.02 – 7 Camelot Drive
Memorialization of a Resolution granting approval to construct an inground pool and pool patio in the A-1 Zone. A Variance is required to allow a pool rear setback of 15' where 50' is required.

Motion to Memorialize the Resolution:

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

ADMINISTRATIVE ITEMS:

ZB2005 – Santos-Costa - Block 13, Lot 38 – 21 Ann Street
Request for a one-year extension to the Variance approval to construct two additions and front porch to the existing single family dwelling in the A-1 Zone. Variances are required to permit a front setback of 80' where 90' required and side setbacks of 44.9' and 50.3' where 55' required. The extension of time will begin June 15, 2024, and expire on June 14, 2025.

Mr. Anfuso presented the request, stating that, once completed, the project will actually be smaller than the project the Board originally approved. However, it will still require a variance. There have been no ordinance amendments since the original approval which would effect the terms and conditions of the Variance approval.

Motion to approve the application:

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

APPLICATIONS: New Business:

Chairman Reisinger opted to hear the new business before the old business.

ZB2029 Candela – Block 3, Lot 13 – 20 Saddle Ridge Road
Application to build a 4' by 8' porch. Variances are required to permit a front setback of 77.5' where 85' is required and 77.5' currently exists, a side setback of 42.5' where 53' is required and 42.5' currently exists, a principal building coverage of 6.8% where 6% is the maximum permitted and 6.7% currently exits. Time to July 4, 2024

Mr. Steib marked the following items as exhibited.

1. Zoning Review by Township Planner, Tim Anfuso, P.P. dated 11.17.23
2. Variance application dated 03.05.24
3. Survey

4. Architectural drawings of proposed improvements
5. Aerial photo of subject property
6. Board of Health Report dated 03.07.24
7. Fire Council Report dated 03.26.24

Mr. Candela appeared on his own behalf and was sworn. He stated that internal renovations to the home last year created an additional exterior side door which currently has temporary steps. The project is to install permanent steps and a small roof over the steps for protection. The chairman opened the discussion up to the public. There were no comments. The Board had no concerns, noting the minimal impact of the project. Mr. Anfuso added a condition that the steps/porch not be enclosed.

Motion to Approve the Application:

OFFER:	Buzzeetta
SECOND:	Mahoney
AFFIRMATIVE:	Reisinger, Buzzetta, Dnistrian, Mahoney, Nicoletta, Kornbluh, and Yodakis
NEGATIVE:	None

APPLICATIONS: Old Business

ZB2019 Laird Cultural Center – Block 35, Lots 12 and 12.01 – One Laird Rd
Application for Use Variance as well as Preliminary and Final Major Site Plan approval to renovate, repurpose, and restore a barn to create a cultural center, tasting room, and event space in the D Zone. Time to May 30, 2024

Mr. Steib noted this was a continuation of the hearing. He was not aware of any additional documents as exhibits. Board Secretary, Joni VanNest, advised that 4 members of the Board who were absent during previous testimony had listened to the recordings and were eligible to vote on the application.

Armen McOmber spoke on behalf of the applicant. He listed the concerns that were of issue to his client.

1. The merger of both lots. He stated that the applicant has reluctantly agreed to the merger.
2. The 300' conservation easement requirement in the location of the NJDEP 300' riparian buffer. The applicant does not want to surrender their property rights to the land permanently for an application that has nothing to do with that part of the property. They believe the easement is unnecessary as the land is already under the DEP's jurisdiction.
3. Four electric parking spaces. This is not a new parking lot and would be an onerous requirement for the applicant. It would also be unwise to have the charging station near an alcohol bottling plant. They are asking for the Board to waive the requirement.
4. Operating hours. The museum/cultural center would be open Monday through Friday from 10:00AM to 6:00PM, based upon scheduled reservations, and Saturday and Sunday from 10:00AM to 8:00PM. The event space will be open Wednesday through Friday from 4:00PM to 10:00PM, Saturday from 12:00PM to 10:00PM, and Sunday from 12:00PM to 8:00PM. They will limit the number of public events to 12 per month. They

agreed to have an internal system for event registration and monitoring to maintain compliance with attendance limits. However, they asked for the required compliance reports to be waived.

5. Sign variance for a second freestanding sign that will be externally illuminated.
6. Attendance. Mr. McOmber confirmed the facility attendance limitation of 80 people per day Monday through Friday based on septic limitation. The fire code also limits attendance to 80 people. On weekends, as the office and bottling plant will be closed, the daily limitation should be able to be relaxed. However, they will not be able to accommodate more than 80 people at any one time on the weekends.
7. Mr. McOmber confirmed that the applicant is agreeable to an addition of an 8.5-foot Right-of-Way Dedication along Laird Road as long as it was on record that the town will bear the cost of updates that may be needed, such as modifications to the fire suppression pond or movement of any structures, if they ever choose to exercise their right.

Mr. Anfuso led a conversation concerning the conservation easement riparian buffer and the DEP.

Mr. Anfuso explained that the property is regulated by the NJDEP 300 foot riparian buffer. This buffer encompasses portions of the site which are developed with buildings, parking areas, and access drives, as well as a wooded panhandled shape over to the north. The request is not to preserve the entire 300 foot riparian buffer in a conservation easement but only to preserve the woodland portion of the site in a conservation easement. When reviewing the 300 foot riparian buffer, the DEP has two standards. It is difficult to obtain DEP to clear vegetation within the first 150 feet from a waterbody. However, the DEP does issue approvals for activities within the second 150 feet from a water body.

Mr. Yodakis asked if the applicant would be willing to compromise on a 150' conservation easement. The Board was in favor of reducing the size of the buffer.

Mr. Dnistrian asked for clarification regarding the occupancy compliance report. Mr. Anfuso read from his letter to the applicant. Mr. McOmber stated they do not yet have a mechanism to keep count of attendees, but will put one in place if required to do so. He also stated their concern was having to submit an annual report to the Board. He feels it is justified to have to submit a report periodically when asked to do so, but not to have to submit it annually in perpetuity.

Various interpretations of the occupancy limit were discussed. Per Mr. Anfuso, the weekday 80 person limit is calculated as the number of public invitees associated with the Event Center and Museum/Cultural Center. This number does not include people already on site in the office and the bottling plant. Limiting it to eighty guests per day will keep the septic flow to 2,000 gallons per day. Mr. Anfuso agreed there was leeway in the calculations for weekend occupancy since portions of the facility would be closed. The Board was concerned that the occupancy limit, which was determined by the size of the septic system, may be altered if the septic system is improved or if the applicant brings in portable toilets. They were concerned the applicant may find ways to circumvent the limits to hold larger events, as other enterprises in the township have done in the past.

The fire official has also placed an 80 person limit on indoor occupancy.

A survey of the Board determined they were okay with waiving the electric charging stations requirement, allowing a second monument sign, and the proposed hours of operation.

The chairman opened the meeting up to public comment on the application. Four residents spoke in favor of the project: Mary and Mike Bahaira, Jim Schatzle, Anthony Lucchese, and Abbie Feiler.

After a 10 minute recess for Mr. McOmber to consult with his client, he reported the following applicant concessions: to cap occupancy of the whole facility at 150 people at any given time during hours of operation on the weekends (80 inside, 70 outside), agreeing to bring in portable toilets when events exceed 80 people, Monday through Friday the cap will remain at 80; they will find a way to track attendance and report the numbers back to the town they agreed to the 150' conservation easement compromise in the wooded area of the 'panhandle' of the property.

Mr. Steib read a list of the conditions which will be applied to the application for Board approval. The list will be detailed in the Resolution.

Board members complimented the applicant regarding the project design and quality of the application.

Motion to Approve the Application:

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

DISCUSSION
None

EXECUTIVE SESSION
None

PUBLIC COMMENT
None

MOTION TO ADJOURN
A motion was made to adjourn the meeting at 8:56 p.m., and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on April 18, 2024, adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on May 16, 2024.

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