ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
March 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, Nicoletta, Maguire, Kornbluh, and Yodakis

ABSENT: Buzzetta (excused), Dnistrian (excused), and Mohoney (excused)

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

Approval of Minutes:

Motion to approve the February 14, 2024, Meeting Minutes:

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

RESOLUTIONS:

ZB2023 Serzan – Block 13, Lot 68 – 10 Westminster Drive
Memorialization of a Resolution granting approval to construct a 2nd story addition and add a new porch with a front setback of 71' where 83' is required and 75' currently exists, and a side setback of 44' where 48' is required and 44' currently exists.

Motion to Approve the Resolution:

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

NEGATIVE: None

ADMINISTRATIVE ITEMS:

ZB1092 – Esposito – Block 23, Lot 5.10 – 4 Tallyrand Drive
Request 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 Approve the Extension:
OFFER: Nicoletta
SECOND: Yodakis
AFFIRMATIVE: Reisinger, Farrell, Nicoletta, Maguire, Kornbluh, and Yodakis
NEGATIVE: None

ZB1062 Schwartz – Block 8, Lot 9 – 60 Conover Road
Request 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 Approve the Extension:
OFFER: Farrell
SECOND: Nicoletta
AFFIRMATIVE: Farrell, Nicoletta, Maguire, Kornbluh, and Yodakis
NEGATIVE: Reisinger

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 April 30, 2024

As three board members were absent, the applicant chose to postpone the hearing until next month when it is hoped more than 5 voting members will be available. Permission was granted to allow several people to speak in support of the application, since they were present at the meeting and may not be available next month. The following people were sworn and spoke in support of the application. Mary Pahira of 171 Route 537, Ms. Warentorf of 167 Route 537, Michele Battista of 81 White Oak Drive, Anthony Lucchese of 28 New Street, Mary Fournier, Maggie Osmulski of 8 Tanglewood Ct, and James Cipas of 9 Highfield Ln.

The application was carried until April 18, 2024. No further notice necessary. Time extended to May 30, 2024.

APPLICATIONS: New Business:

ZB2024 Battaglia – Block 29, Lot 8 – 2 Goose Point Road
Application 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. Time to May 2, 2024

Mr. Steib marked the following items as exhibits.

1. Zoning Application dated 12.22.23
2. Township Planner's Zoning Review dated 12.22.23
3. Variance Application dated 12.29.23
4. Architectural Plans dated 11.06.23
5. Board of Health Report dated 01.03.24
6. Architectural Review Committee Report dated February 2024
7. Aerial Photo of Subject Property - undated

The applicant, Lawrence Battaglia, appeared on his own behalf. Mr. Battaglia stated that the proposed one-story addition of a bedroom, bathroom, and office as the stairs in the house are getting harder to manage as he gets older. It will be easier having the basic rooms on one floor.

Tim Anfuso, P.P. was sworn. He stated that the house is already non-conforming. Adding an addition will make the home even more out of compliance. The extremely odd shaped lot has created issues with setback compliance.

The Board asked if there were plans for landscaping. Mr. Battaglia presented pictures of his 3-year-old 10' evergreens which will be much taller when fully grown. The photos were entered as Exhibits 8A, 8B, and 8C.

Board members agreed the shape of the lot creates a very limited opportunity to construct an addition on the home. They agreed with Mr. Anfuso's condition of approval limiting the addition to only 1-story without the possibility of making it two-stories in the future.

Motion to Approve the Application:

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

ZB2026 Rivas – Block 43, Lot 8 – 124 Matthews Road
Application 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. Time to June 13, 2024

Mr. Steib advised the Board of an irregularity in the Proof of Service for the application which was corrected in the body of the letter going to the neighbors. Therefore, there is no jurisdiction problem.

The following items were marked as exhibits.

1. Zoning Review by Tim Anfuso, P.P. dated 10.16.23
2. Variance Application dated 02.09.24
3. Plot Plans dated 09.18.23
4. Electric Schematic, undated
5. Pool Drawing dated 04.21.23
6. Pump System Brochure
7. Bracing Detail dated 02.01.24
8. Board of Health Report dated 02.14.24
9. Aerial Photo of the Subject Property, undated

Applicants, Dorca and Ronald Rivas, were sworn. Mrs. Rivas explained that their property line starts at 100' from Matthews Road due to a large right-of-way. The proposed setback is 162' from the actual street. The lot could accommodate the required setbacks to install a pool; however, that would require cutting down many trees which provide privacy from the neighboring horse stable. The septic field prevents the pool from being installed elsewhere on the lot.

Mr. Anfuso was sworn. He questioned the Plot Plan's delineation of a 100 foor right-of-way. A note on the Plan indicates the right-of-way is 60 feet. Upon request for clarification, the surveyor confirmed the 100 foot right-of-way is appropriate.

The chairman opened the meeting to public comment. Kevin O'Brien of 18 The Enclosure asked if the property abutted Yellow Brook. Mr. Anfuso stated it did not.

Board members agreed it made sense to apply for a variance rather than to cut down trees.

Motion to Approve the Application:

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

ZB2027 Economou – Block 29, Lot 11, 68 Bucks Mill Road

Application 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 permitted. Time to July 3, 2024

The following items were marked as exhibits.

1. Zoning Review dated 02.16.24
2. Variance Application dated 02.16.24
3. Variance Plan by Insight Engineering dated 12.14.23
4. Architectural Plans dated 02.05.24
5. Board of Health Report dated 02.29.24
6. Aerial Photo of the Subject Property, undated

The applicant, Peter Economou, was sworn. He presented an aerial photo (Exhibit 7) to the Board. The proposed cabana will be used as a home office in addition to being used for the pool. If the Board approves the application it will then have to go to the DEP for wetlands and flood hazard approvals.

Mr. Anfuso was sworn. He stated that at 3.2 acres, this is an undersized flag lot in the AG Zone where 10 acres is the minimum required and 10% lot coverage is the maximum permitted. The driveway is 10,000 square feet, twice the lot coverage of the house.

The cabana will contain a bathroom, wet bar, and a kitchenette. It was confirmed the kitchenette will only have a microwave and min-fridge and no cooking appliance.

There was no public comment.

Mr. Anfuso suggested an approval should contain the following conditions: that the applicant receives DEP approval, that the cabana will not be used as a second dwelling unit, and that there is no kitchen in the cabana.

Motion to Approve the Application with the conditions noted above

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

ZB2028 Boraie - Block 33, Lot 20.02 – 7 Camelot Drive
Application to construct an inground pool and pool patio in the A-1 Zone. A Variance is required to allow a pool rear setback of 8' where 50' is required. Time to June 26, 2024

The following items were marked as exhibited.
1. Zoning Review by Township Planner dated 02.28.24
2. Variance Application dated 02.27.24
3. Variance Plan prepared by Two River Engineering dated 01.31.24
4. Board of Health Report dated 02.29.24
5. Aerial Photo of the Subject Property, undated

Tim Anfuso and the applicant, Wasseem Boraie, were sworn. AJ Garito, appearing on behalf of the applicant, was sworn.

Mr. Garito presented three Exhibits.

6. Color rendering of the previously created three-lot subdivision of the Colts Neck Community Church that was never finalized
7. Color rendering of the variance plan
8. Color photo board

Mr. Garito explained that the church is now finalizing sale of the three subdivided lots. The applicant is in contract with the church to purchase a one acre lot abutting his property. The subdivision is in the midst of receiving DEP approval which may not go through for another 4 or more months. The DEP may also not approve the subdivision as three lots. Mr. Garito is certain that if they turn down 3 lots, that the prepared plans for a two-lot subdivision will go through. The applicant is committed to purchasing the abutting lot whether it is a three lot or two lot subdivision.

It is the applicant's desire to install a pool and patio for use this year. The plans locate the pool eight feet from the property line. Once the sale goes through the pool and patio will not need variance approval and will comply with the 50 foot rear setback. He is asking the Board for approval now based on the acquisition of the abutting property. Mr. Steib advised the Board that they must make a decision based on the current presentation, not based on what may be.

The Board was torn. They understood this to be a timing issue but must consider the property as it stands today. They were uncomfortable with the narrow 8 foot setback. After consultation with his client, Mr. Garito said the applicant was willing to push the pool closer to the house, creating a 15 foot setback. Mr. Yodakis noted that if the subdivision is not approved, the detention basin will provide an additional buffer. Mr. Steib again reminded the Board they must vote on what is at hand.

Motion to Approve the Application with the condition of a 15 foot rear setback from the current property line

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

PUBLIC COMMENT

Kevin O'Brien, 18 The Enclosure, read a statement regarding 42 The Enclosure and the Town Engineer's oversight of the construction. He stated he opposed the application at the time. He is concerned about septic leaking through a retaining wall. He is concerned for the future owners of the property and the children who may play in the area.

Mr. Reisinger noted the Board's appreciation of his concern. Mr. Anfuso noted the Board is the approving authority not the enforcing authority.

EXECUTIVE SESSION

Narrative/None

MOTION TO ADJOURN

A motion to adjourn the meeting was made at 9:03 and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on March 21, 2024, adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on April 18, 2024.

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