ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
February 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, Farrell, Buzzetta, Dnistrian, Mahoney, Nicoletta, Maguire, and Kornbluh

ABSENT: Yodakis (excused)

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

Approval of Minutes:

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

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

RESOLUTIONS:

ZB2022 Tawfik – Block 16, Lot 53.28 - 6 Old Stable Way
Memorialization of a Resolution granting approval to expand a patio and to construct a pavilion in the A-1 Zone. Variances are required to allow a lot coverage of 22.8% where 20% is the maximum permitted, and a side setback of 25.23 where 40' is required.

Motion to Memorialize the Resolution

OFFER:	Buzzetta
SECOND:	Mahoney

AFFIRMATIVE: Reisinger, Buzzetta, Mahoney, and Maguire
NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business

1 ZB2023 Serzan – Block 13, Lot 68 – 10 Westminster Drive

Application 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. Time to May 2, 2024

Seven items were marked as exhibits.

1. Zoning Review by Tim Anfuso, P.P., Township Planner, dated 12.08.23
2. Application, dated 12.28.23
3. Board of Health Report dated 01.02.24
4. Aerial View of Subject Property, Undated
5. Architectural Plans and Elevations dated 03.13.23
6. Survey, Undated
7. Architectural Review Committee Report, Undated

Applicant Andrew Serzan, 10 Westminster Drive – sworn. The applicant stated he wishes to create more space for his family and to increase the home's curb appeal by adding a second level over the side enclosed porch, which has a preexisting nonconforming side setback. The current front steps are unsafe. He wishes to remove and rebuild it to make it safe and add a roof. Neither project will increase the footprint of the home.

Tim Anfuso, P.P. – sworn. He confirmed the house in nonconforming because it was built before the 90-foot rule went into effect. Board members did not have any objections to the application. Mr. Anfuso added a condition that the front porch will never be enclosed.

Motion to Approve the Application:
OFFER: Farrell
SECOND: Nicoletta
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahoney, Nicoletta, and Maguire
NEGATIVE: None

2 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 March 16, 2024

Twelve items were marked as exhibits.

1. Zoning/Township Planner's Review dated 01.10.24
2. Variance Application dated 10.16.23
3. Board of Health Report dated 09.15.23
4. Fire Council's Report
5. Architectural Review Committee Report dated October 2023
6. Environmental Commission dated 12.13.23
7. Shade Tree Commission
8. Aerial View of Subject Property dated 10.07.22
9. Architectural Plans dated 12.12.22
10. Survey dated 10.29.19
11. Township Engineer's Review dated 01.31.24
12. Site Plan dated 03.15.23

Armen McOmber represented the applicant concerning the application to renovate and expand an old existing barn with a 2000 square foot addition, converting it into a cultural center and museum, with an event space for small functions and a tasting room. It will only have a small catering kitchen, not a full one. He stressed this will not be a large banquet hall. Anticipated events include bridal or baby showers, small weddings, birthday parties, corporate retreats, and the like. The facility will be state of the art and will demonstrate Laird's important and historic legacy in Colts Neck while keeping with the historic venue.

The hours will be limited, with minimal staff on duty. The Cultural Center will be open 10:00AM–6:00PM Monday through Friday, and weekend hours for small events.

Mr. McOmber highlighted the expected issues with the application.

1. The property consists of two tracts. One is roughly 18 or 19 acres. The smaller one is undersized for the zone at 3+ acres. Per Mr. Anfuso, municipal code demands the merging of both properties as part of this project. The applicant requests the town not to merge the two parcels. The smaller lot, the Laird family homestead, has been in the family for over 100 years. It is their desire to keep the lots separate so that should the warehouse and bottling plant be purchased by an outside entity at some point in the future, the family will not lose their homestead in the process. They understand that if the parcels are kept separate it would create the need for additional variances.
2. The 300-foot conservation easement the town is looking for is currently an NJDEP riparian buffer. There are structures in that area which need to be maintained. Any development or repairs in the area would already be subject to NJDEP permitting process. They would like the easement to be waived.
3. The proposed 8.5 foot right of way dedication on Laird Road would encroach into their fire suppression pond and come very close to existing structures. This would be problematic and should be addressed.
4. They feel the requirement of four electric parking spaces would put undue burden on the applicant. He noted this will not be a new parking lot and the spaces should not be required. He asked if it could be waived.

Brian Decina, P.E., of French and Parello Associates and Tim Anfuso, P.P. were sworn.

Mr. Decina presented an aerial photo of the current conditions of the subject property dated 02.14.24. It was marked as Exhibit #14. He pointed out the location of the various structures, roads, and parking lots on the property. He then presented a colorized version of sheet #3, the demolition plan, Exhibit #15, and sheet #9, the landscaping plan, Exhibit #16. He presented a basic explanation of the proposed demolition and exterior restorations. The bottling plant/warehouse will be separated from the Cultural Center. There will be onsite septic. The septic was designed to handle the distillery. Now that it's just the bottling plant, warehouse and office, there is no need for a new septic field. Colonial lighting fixtures will keep with the historic nature of the property. This project will not trigger stormwater management regulations, as there is very little increase in impervious coverage.

Variances requested: 112 parking spaces where 150 are required, not providing a 50-foot buffer on Laird Road, Use Variance, lack of curbing, 2 setbacks, not providing curbing in the parking lot.

The applicant had no objection to the items covered in Mr. Gerken's letter. Regarding Mr. Anfuso's letter, they have no issues meeting the obligations in items 12-23. They disagree with his suggestion they limit the number of events to 4-6 per month. The updates would not be worth doing if they were going to be limited as such. There are no issues limiting attendance to 80 people per day, as the septic flow limitations set by the DEP only allow for 80 people, which also complies with the fire code occupancy limits. The Township and Lairds are open to discussion regarding the allowable number of events per month.

A liquor license for consumption on premises is being applied for.

Mr. Anfuso stated that the Cultural Center is a permitted accessory use. Opening up for private parties, which will bring in the general public, requires a Use Variance.

Mr. Farrell asked if they foresaw traffic issues on Laird Road once they are up and running, especially due to heavy traffic in the area during the fall apple picking season at Eastmont Orchards. The consensus was that traffic in the area will be heavy during peak seasonal times. However, for most of the year the establishment will not greatly increase traffic in the area. No traffic studies are warranted as the traffic generated by Laird will be very small. It was suggested they may want to look into allowing only left turns out of the property to direct traffic away from Eastmont and toward Route 537 during heavy traffic times.

The renovated barn will have 3,000 square feet on the first floor and 1,000 square feet on the second floor.

Laird President Lisa Laird-Dunn was sworn. She shared that during the week activities will mostly revolve around the Cultural Center and Museum. Events are more likely to be scheduled on weekends (Thursday–Sunday). Eventually, they will get their liquor license to be able to open the tasting room for guests to try their products, alone and as cocktails. Board members had concerns they would start as just a tasting room, then start to operate the tasting room as a bar, as has previously happened with other establishments. Ms. Laird-Dunn assured the Board that will not be the case. She envisions it only as a tasting room and does not see people coming in to

drink for hours. The type of product they produce is not conducive to that kind of activity. During the week they will only be open until 6:00 PM. Thursday through Sunday the hours will be 10:00 AM–9:00 PM.

Mr. Anfuso stated that the Treatment Works Approval Applicability Determination of a flow of under 2,000 gallon per day will limit the visitor occupancy to 80 people per day. Flows greater than 2,000 gallons per day will require an NJPDES permit. Mr. Decina proposed that the calculated flow includes warehouse and delivery personnel who will not be present at the time of most scheduled events, thereby allowing an increase in the daily visitor occupancy to go above 80 people. Board members discussed the difficulty of determining when full occupancy has been reached.

Lisa Easton, AIA, NCARB, of Easton Architects was sworn. She presented Exhibit #17, a color rendering of the proposed changes for the barn (sheet A106). She walked the Board through the floorplans for both floors and the elevations in detail, stressing that she specializes in historic preservation, and she has done her best to keep with the historic nature of the building.

Mr. Kornbluh asked about signage. Sheet #14 indicated a 2.5-foot pillar with a 2.5 foot by 4.5 foot sign. It will be externally illuminated. Additional signage, other than directional signage, would require a variance.

Mr. Andrew Janiw, P.P., Principal of Beacon Planning and Consulting was sworn. Mr. Janiw testified that he has reviewed the proposed plans in conjunction with the Master Plan of Colts Neck. He noted that the Township's Distillery and Bottling Plant Zone where Laird is located permits restaurants as an accessory use. The intended use of the preserved barn would not be as intense as the District guidelines allow. He further noted that Laird is specifically recognized in the Master Plan as having significant historic value to the town. He believes the site is particularly suited to the proposed plan and its completion is in the public good.

Mr. Anfuso discussed the four issues the applicant had with his review.

1. Electric car parking/charging stalls – It is state law, they must abide by the law. Mr. Steib stated that waivers and exceptions are allowed, noting the Planning Board has already done it for a previous application. Mr. Decina believes it only applies to new parking spaces. He asked the Board to grant a waiver for existing facilities.
2. 300-Foot Riparian Buffer – The applicant noted that many of the proposed changes will be in the buffer. Mr. Anfuso clarified that he is asking for the conservation easement only in the wooded area to the north. The aerial exhibit was marked with general location of the proposed easement, to be fully defined at a later time.
3. Addition of an 8.5-Foot Right-of-Way Dedication along Laird Road – The dedication would give the Township a total 25-foot right-of-way half width in case there is a need for future road expansion. Mr. Anfuso stated the Township would pay for road widening improvements, if deemed necessary in the future. Mr. McOmber was okay with the right-of-way as long as it was on record that the town will bear the cost of updates that will be needed, such as modifications to the fire suppression pond, if they ever choose to exercise their right.

4. Merging of lots 12 and 12.01 – Per Mr. Anfuso, Township Ordinance requires two contiguous parcels owned by one entity and used together as one property to be merged. If the properties are not merged the need for additional variances will come into play. Mr. McOmber noted that the properties have existed as separate lots for years. The Township is not obligated to merge them. It has been an undersized lot for years and the Township had not exercised their right to merge them after the zoning changed. It is of great concern to his client that they are being forced to merge the lots. Mr. Steib advised that it is a matter of law and town ordinance. However, the Board/Township does not have to enforce it at this time. However, the applicant may then have to face the possibility of running into this same issue at some point in the future should they ever decide to sell one of the parcels.

Mr. McOmber stressed the hardship it would place on his client should the Board require the merger. He asked for a recess to consult with his client, after which he asked for the application to be carried until the March 21st meeting. The hearing was carried without the need for additional notice. Mr. McOmber agreed to a extend the Time to April 30, 2024.

MOTION TO ADJOURN

A motion was made at 9:31 PM 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 February 15, 2024, adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on March 21, 2024.

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