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

ABSENT: Farrell (excused) and Dnistrian (excused)

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

REORGANIZATION:
Mr. Reisinger turned over the meeting to Mr. Steib.

Oath of Office
Mr. Steib administered the Oath of Office to Mr. Kornbluh and Mr. Nicoletta. Mr. Dnistrian was not present. He will be sworn at a later date.

Nominating Committee
The Nominating Committee submitted a slate of names to fill the following positions.
Chairman – Jeffrey Reisinger
Vice-chairman – Robert Farrell
Secretary – Joni VanNest

Resolution and Memorialization to accept and appoint the nominees

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

Mr. Steib turned the meeting back over to the returning chairman, Mr. Reisinger.

Meeting Dates

February 15, 2024
March 21, 2024
April 18, 2024
May 16, 2024
June 20, 2024
July 18, 2024
August 15, 2024
September 19, 2024
October 17, 2024
November 21, 2024
December 12, 2024 – 2nd Thursday
January 16, 2025 Reg/Reorg Meeting

All meetings will take place in the courtroom in the town hall at 7:00 p.m.

Motion to approve and memorialize the Resolution for the Zoning Board 2024 meeting dates

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

Official Newspapers

Motion to approve and memorialize the Resolution to appoint Asbury Park Press and Star Ledger as official newspapers

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

Long Range Planning Committee

The chairman appointed the following people to the Long Range Planning Committee: Robert Farrell and Jeffrey Reisinger.

Board Professionals

Motion to approve and memorialize a Resolution to appoint Glenn Gerken, P.E. as Zoning Board Engineer

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

Motion to approve and memorialize a Resolution to appoint Michael B. Steib, Esq. as Zoning Board Attorney

OFFER:	Buzzetta
SECOND:	Reisinger

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

APPROVAL OF MINUTES:

Motion to approve the December 14, 2023, meeting minutes:

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

RESOLUTIONS:

ZB1046 Source Brewing – Block 46, Lot 17.13 – 300 Route 34

Memorialization of a Resolution granting approval for a one-year extension of time for the Use Variance as well as the Preliminary and Final Major Site Plan approval in the B-1 Zone. The extensions of time will begin May 20, 2023, and expire May 20, 2024.

Motion to memorialize the Resolution

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

ZB2021 Racioppo – Block 35.03, Lot 14 – 21 Beaver Dam Road

Memorialization of a Resolution granting approval to remove the front porch and to construct a rear kitchen addition in the A-1 Zone. A variance is required to permit a rear setback of 85' where 95' is required.

Motion to memorialize the Resolution

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

ADMINISTRATIVE ITEMS:

Annual Report for 2023

Having reviewed the annual report in detail at the December meeting, Mr. Anfuso presented the updated report to the Board for final consideration.

Motion to approve and memorialize the Resolution for the 2023 Annual Report

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

APPLICATIONS: Old Business

ZB2022 Tawfik – Block 16, Lot 53.28 – 6 Old Stable Way
Application to expand 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. Time to February 8, 2024

Mr. Steib noted this was a continuation of a hearing from last month. Five new exhibits were added.
13. Revised plans from Two River Engineering, dated 01.04.24
14. Zoning Review from Township Planner Anfuso, dated 01.08.24
15. Board of Health report, revised 12.04.23
16. Architectural Review Committee Report, dated 11.14.23
17. Zoning Review regarding an inground pool, dated 07.23.99

Mr. Dante Alfieri appeared on behalf of the applicant. He noted this was the third time appearing before the Board regarding this application, each time making changes to the plans at the Board's request. The existing lot coverage is 22.9%. The first presentation had proposed a lot coverage of 28%. The second presentation reduced the proposed lot coverage to 24.8%. Additional changes to reduce the pool patio coverage have reduced that even further to 22.8%, which is below the existing coverage. He reminded the Board that when the house was built there were no coverage limitations. The plans also include stormwater management, which does not exist at this time.

Board members expressed their appreciation of the applicant's flexibility in accommodating their requests, and of the fine work of Mr. Garito.

Mr. Anfuso noted the following conditions of approval.
- The existing driveway must be removed prior to the issuance of a Building Permit
- The existing shed must be relocated to a conforming location
- $500 grading and drainage fee required
- Township engineer's grading and drainage review required
- Street Opening Permit required to replace the depressed curb with full height curbing
- Demolition Permits for the removal of the existing cabana or Building Permits to relocate the cabana

Motion to approve the application with conditions as listed

OFFER:	Buzzetta
SECOND:	Reisinger
AFFIRMATIVE:	Reisinger, Buzzetta, Mahoney, Maguire
NEGATIVE:	None

APPLICATIONS: New Business:
None

EXECUTIVE SESSION
Narrative/None

DISCUSSION

OPRA Training

Mr. Anfuso advised Board members that whatever email address they use to conduct township business, whether it be personal or business, is subject to discoverability through Open Public Records Act requests. The content may not necessarily be discoverable but the address itself is. Through an OPRA request, this knowledge can let a citizen know who is communicating with township board members and employees. Mr. Anfuso mentioned the case of Brooks v. Township of Tabernacle, which determined that government transparency outweighs any individual's right to privacy. Making public Board members' private email addresses can result in unsolicited/unwanted emails in Board members' inboxes. He suggested that until such a time when the township provides email addresses to the Board, it would be wise to set up an email address used solely for township business. Even then, the correspondence should be as basic and brief as possible. He also stressed the importance of not providing opinions electronically. The exception to that is if something is still in deliberative status. It had been previously determined that a person should be able to speak freely when deliberating and expect that the conversation will remain confidential.

Board Contact Information

Board members were asked to review the contact information sheet and update as necessary before the next meeting.

Mr. Kornbluh had a follow-up question based on the discussion at last month's meeting. He asked if the Board could be held responsible for a tragedy if one arose as a result of a variance granted for building separation. Mr. Steib advised they would not, as the decisions are made with input from township fire officials.

MOTION TO ADJOURN

A motion was made at 7:35 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 January 18, 2024 and adopted by the Zoning Board of Adjustment of the Township of Colts Neck at its meeting held on February 15, 2024.

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