# ZONING BOARD OF ADJUSTMENT
# MEETING MINUTES
# JANUARY 19, 2023 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 News Transcript 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 time. I further order that this public announcement be placed in the minutes of this meeting.

Roll Call:

PRESENT: Reisinger, Farrell, Buzzetta, Dnistrian, Mahoney, Nicoletta, Maguire, Kornbluh and Yodakis

ABSENT: None

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

**Reorganization**

Mr. Steib, Esq. administered the Oath of Office to reappointed or new Board members who did not take the Oath of Office at the Township Reorganization meeting. All have signed their Oath of Office.

Mr. Steib requested nominations for Board Chairman. Ms. Buzzetta offered Mr. Reisinger to serve as Board Chairman, seconded by Mr. Maguire. Mr. Steib asked for any other nominations. Hearing none, Mr. Steib called for a vote

Motion to Appoint Mr. Reisinger as Chairman:
OFFER: Buzzetta
SECOND: Maguire
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Kostka, Nicoletta, and Maguire
NEGATIVE: None

Mr. Steib asked for a motion to appoint a Vice-Chairman. Mr. Reisinger offered Mr. Farrell, seconded by Mr. Nicoletta. Mr. Steib asked for any other nominations. Hearing none, Mr. Steib called for a vote:

Motion to Appoint Mr. Farrell as Vice-Chairman:
OFFER: Reisinger
SECOND: Nicoletta
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Kostka, Nicoletta, and Maguire
NEGATIVE: None

Mr. Steib asked for a motion to appoint a Board Secretary. Mr. Reisinger offered Mr. Anfuso as Board Secretary, seconded by Mr. Nicoletta. Mr. Steib asked if there are any other nominations from the floor. Hearing none, Mr. Steib called for a vote:

Motion to Appoint Mr. Anfuso as Board Secretary:
OFFER: Reisinger
SECOND: Nicoletta
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Kostka, Nicoletta, and Maguire
NEGATIVE: None

The meeting was turned over to Chairman Reisinger.

**Approval of Meeting Dates for2023**

The Board adopted the schedule for meeting dates for the remainder of 2023 as well as Reorganization and Regular meeting for January 2024 at 7:00 p.m. as follows:

| | |
|---|---|
| February 16, 2023 | August 17, 2023 |
| March 16, 2023 | September 21, 2023 |
| April 20, 2023 | October 19, 2023 |
| May 18, 2023 | November 16, 2023 |
| June 15, 2023 | December 14, 2023 |
| July 20, 2023 | January 18, 2024 |

The February 16, 2023 meeting will be held in the main meeting room in Town Hall located at 3 Veterans Way, Colts Neck, NJ 07722.

Motion to approve 2023 Meeting Dates and January 2024 Reorganization and Regular meeting date:

OFFER: Reisinger
SECOND: Nicoletta
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Kostka, Nicoletta, and Maguire
NEGATIVE: None

**Appointment of Official Newspapers**

Motion to appoint the Asbury Park Press and the Star Ledger as Official Newspapers:
OFFER: Reisinger
SECOND: Nicoletta
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Kostka, Nicoletta, and Maguire
NEGATIVE: None

**Appointment of Planning Board Engineer**

Motion to appoint Planning Board Engineer, Glenn Gerken, P.E.
OFFER: Nicoletta
SECOND: Reisinger
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Kostka, Nicoletta, and Maguire
NEGATIVE: None

**Appointment of Planning Board Attorney**

Motion to appoint Planning Board Attorney, Michael B. Steib, Esq.
OFFER: Reisinger
SECOND: Buzzetta
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Kostka, Nicoletta, and Maguire
NEGATIVE: None

**Approval of Minutes:**

Motion to approve the December 15, 2022, Meeting Minutes:

OFFER: Farrelll
SECOND: Mahony
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Maguire, and Kornbluh
NEGATIVE: None

**RESOLUTIONS:**

**ZB2000 – Santos – Block 13, Lot 16 – 253 Heyers Mill Road**
Memorialization of a Resolution granting approval to remove front porch and 2nd floor and construct addition to a single family dwelling in the A-1 Zone. Variances are required to permit a front setback of 11.2' where 75' is required and 4' currently exist, a side setback of 19' where 24' is required and a 6.85% building coverage where 6.6% is the maximum permitted.

Motion to Memorialize the Resolution:
OFFER: Buzzetta
SECOND: Farrell
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Maguire and Kornbluh
NEGATIVE: None

**ZB2001 – Zerriny – Block 33, Lot 35 – 20 Phalanx Road**
Memorialization of Resolution granting approval to remove driveway, porch and overhang and construct an addition, porch and deck in the AG Zone. Variances are required to permit a front setback of 69.7' where 213' required and 70' currently exists, a side setback of 36.7' where 53' is required and 44.61' currently exists, building coverage of 10.5% where 5% is the maximum permitted and 10.5% currently exists and a total lot coverage of 21% where 10% is the maximum permitted and 24.9% currently exists

Motion to Memorialize the Resolution:
OFFER: Buzzetta
SECOND: Maguire
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Maguire and Kornbluh
NEGATIVE: None

**ZB2002 – Pugliese – Block 12, Lot 12.02 – 48 Cedar Drive**
Memorialization of a Resolution granting approval to construct an addition and complete renovations to a single family dwelling in the A-1 Zone. Variances are required to permit side setbacks of 44'.6' and 45'3" where 50' is required and a building coverage of 6.8% where 6.6% is the maximum permitted.

Motion to Memorialize the Resolution:
OFFER: Buzzetta
SECOND: Kornbluh
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Maguire and Kornbluh
NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business**

None

**APPLICATIONS: New Business:**

**ZB1094 – Five Kids, LLC Block 34, Lot 11 – 277 Route 537** Application to construct a single family dwelling in the A-3 Zone. Variances are required to permit a front setback of 0.59' and 15.78' and a total building coverage of 9.5% where 6.6% is the maximum permitted. Time to February 17, 2023.

The Board accepted the application. Ten items were marked as exhibits – zoning review, application, architectural plans, foundation plan variance plan, Health Officer's comments, Architectural Review Committee comments, Fire Official's comments Board Resolution dated September 21, 2017, color rendering of Variance Plan and photo board.

Salvatore Alfieri, Esq. represented the applicant. Mr. Alfieri moved Board Resolution for Application ZB977 dated September 21, 2017 as one an exhibit. A.J. Garito applicant engineer – sworn. Mr Garito explained the subject tract is the former Maryanne's site. The Board approved a substantially similar application several years ago which has since lapsed. The property is zoned A-3, Agricultural / Residential and is located at the corner of Route 537 and Muhlenbrink Road. Due to an environmental issue, the former Maryanne's bar was removed. The applicant is proposing to construct a two story single family dwelling. The footprint of the proposed dwelling is virtually identical to the previous bar. The property is a preexisting undersize lot. The site contains approximately 16,000 square feet where the A-3 zone calls for 30,000 square feet of lot area. Due to the undersize nature of the lot, three variances are required These include a front setback of 0.59' from Muhlenbrink Road where 75' is required, a front setback of 15.78' from Route 537 where 75' is required and a total building coverage of 9.5% where 6.6% is the maximum permitted. These are the same as Maryanne's.

Mr. Garito described the photographs on the photo board and what they were depicting. He also stated the property abuts a stream along the eastern boundary and the application requires a Flood Hazard Permit from the NJDEP. The variances requested in this applicant haven't changed from what was approved in 2017. Mr. Alfieri said they appeared before the Architectural Review Committee last week and agreed to their comments. He read the Architectural Review Committee comments into the record.

The Board questioned what took so long for them to come back to this Board now six years later. The Board also questioned if a buffer is proposed along County Route 537. Mr. Anfuso sworn. Mr. Anfuso stated that the circumstances surrounding the first application and this application have changed. In the first application Maryann's was a preexisting nonconforming use. Although, that application required bulk variances, the application was bringing the property closer in conformity with the zoning ordinance by replacing a nonconforming use with a permitted use. Today, Maryann's has been removed and the prior preexisting nonconforming use has been abandoned. In this application the Board is reviewing a vacant lot and basically has a blank canvas to work with in siting the new house. The Board questioned if the applicant explored alternate designs which would reduce the variances requested. No, the applicant has submitted the same application that was approved in 2017.

Mr Samuel Flancbaum – sworn. Mr. Flancbaum said he is the uncle of the 5 children who are Five Kids, LLC. During the delay there were some different ideas regarding the house and use of the house. Time passed by. It was ultimately decided to resubmit the same application with a modular home by Signature Building Design and reinstate the previous approved.

The Board saw significant differences between the original application and this application. The Board express concern with the 0.59 foot setback from Muhlenbrink Road and felt the house was

too close to the road. Some thought the house and septic system should be switched to move the house as far away from Route 537 as possible. Mr. Alfieri said having heard the concerns of the Board the applicant would like to meet with their professionals and reconsider the application. He requested the hearing be carried to the March meeting. Mr. Alfieri also granted an extension of time for the Board to act on this application until April 30, 2023.

This application is carried to the March 16, 2023 meeting at 7 p.m. with no further notice.

## DISCUSSION ITEMS:

### 2022 Annual Report

The Board reviewed the updated 2022 Annual Report, Mr. Anfuso stated this is the same report the Board reviewed at the December meeting; however it was updated with the Board's findings at the December meeting as well as to include a chart demonstrating how many application were only approved after some modifications by the Board.

Motion to Approve and Memorialize the 2022 Annual Report:
OFFER: Reisinger
SECOND: Dnistrian
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Mahony, Kostka, Nicoletta, and Maguire
NEGATIVE: None

## EXECUTIVE SESSION

None

## MOTION TO ADJOURN

A motion was made by Mr. Reisinger at 7:46 p.m. to adjourn the meeting, seconded by Mr. Farrell 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 19, 2023 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on February 16, 2023.

Timothy Anfuso Secretary
Board of Adjustment of the
Township of Colts Neck