ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBUARY 16, 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 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 time. I further order that this public announcement be placed in the minutes of this meeting.

Roll Call:

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

ABSENT: Buzzetta and Maguire

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

Approval of Minutes:

Motion to approve the January 19, 2023, Meeting Minutes:

OFFER: Dnistrain
SECOND: Nicoletta
AFFIRMATIVE: Reisinger, Farrell, Dnistrian, Mahony, Nicoletta, Kornbluh and Yodakis
NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

ZB1069 – Delquaglio – Block 27, Lot 12 – 28 Manor Road
Request for a one-year extension of time to the Variance Approval in the A-3 Zone. The extension of time will begin on January 20, 2023 and expire on January 20, 2024

Mr. William Delquaglio, applicant, addressed the Board and stated in January 2022 the Board granted a building coverage variance to construct a new single family dwelling. He has been

working to finalize the approval; however, has been delayed due to his daughter's wedding combined with COVID issues. The plans are almost ready and he anticipates submitting a complete Building Permit package in the next couple of months. Mr. Anfuso stated that there have been no ordinance changes in the past year which would affect the underlying terms or conditions the Board considered in granting the orginial approval.

Motion to approve the one-year extension of time to the approved variance:

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

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB2003 – LM537 Colts Neck, LLC – Block 30, Lot 18 – 187 Route 537
Application for a Use Variance as well as Minor Subdivision Approval with Variances for two lots in the B-3, Business Zone. Time to May 12, 2023

Mr. Nicoletta and Mr. Kornbluh recued themselves from the application. Mr. Steib advised Mr. Halleran that only 5 Board members are present and since this is a "d" variance all five votes are needed. Mr. Steib asked do you want to proceed tonight or carry the application so more Board members can be present. Mr. Halleran stated we will proceed.

Ten items were marked as exhibits – application, Minor Subdivision Plan, Township Engineer's report, Township Planner's report, Architectural Review Committee comments, Board of Health comments, Shade Tree Commission comments, Fire Official comments and color rendering of the subdivision plan.

Mr. Vincent Halleran, Esq. appeared for the Applicant. Project Engineer, Mr. John Vincenti P.E., P.P. sworn. Mr. Vincenti stated that this is an application for a two lot minor subdivision with variances in the B-3 Zone. Mr. Vincenti described the location of the property, the dimensions of the existing tract, structures on the property and the size and dimensions of the two lots proposed. Mr. Vincenti stated that no construction is proposed at this time. The existing dwelling on new Lot 18.01 will remain. Proposed Lot 18.02 will be a future commercial building site, however they are requesting a variance to allow the existing detached garage to remain with no approved use.

Mr. Vincenti explained that the new lots being created by the two lot subdivision conform to all of the building, yard and area requirements of the B-3 zone. A use variance ("d") is required to retain the existing single family dwelling on Lot 18.01 because residential is not a permitted use in the B-3 zone. In addition one other variance is needed to retain the existing detached garage

on new Lot 18.01 without a principal structure. Two design standard waivers are also required. Those include not preserving the 300 foot riparian buffer in a conservation easement and not providing the scenic corridor along Route 537.

Mr. Vincenti testified the property meets the use variance positive criteria for suitability in that the property is already developed with a single family dwelling. He opined that the is proposed use is appropriate insofar as it is a low intensity residential use compared to permitted business uses allowed in the B-3 zone. He said the requested variance will not result in any substantial detriment to the to the public good. Instead it will retain an existing home on an oversized lot and allow the rear portion of the site to be developed with uses intended for the B-3 zone.

The applicant withdrew the requested design waiver for not providing a landscape buffer along adjoining residential properties. With regard to the two design waivers involving the 300 foot riparian buffer and scenic corridor Mr. Vincenti said commercial development already exits within the 300 foot riparian buffer in between this property and the stream. Providing the buffer on this property but not on the already developed sites would serve no legitimate planning purpose. Regarding the scenic corridor Mr. Vincenti said no other property along this section of Route 537 contains a scenic corridor. Placing the corridor on this lot would not advance the purpose of the scenic corridor which is to maintain an agricultural atmosphere and is inconsistent with the developed character of the neighborhood.

The applicant agreed to remove the detached garage on proposed Lot 18.02 thereby eliminating the requested variance to have an accessory structure on a lot without a principal use. The applicant will also remove the masonry ruins on the property. The applicant agreed to comply with the technical comments contained the Board' Engineer's report dated January 23, 2023 and the Planner's report dated February 9, 2023 excluding items 3 and 4.

Open to the public for comment. Mr. Henry Hammond asked how big of a landscape buffer does the ordinance require – fifty feet.

The Board initially expressed concern regarding the creation of a new business lot in this area. After a discussion, the Board concluded that the two lot minor subdivision is in accordance with all requirements of the B-3 zone. The main issue before the Board is the use variance to retain the single family dwelling. If the house was removed from the application, the Board would not have jurisdiction and the subdivision application would be before the Planning Board. The Board felt that ample justification was provided to retain the residential use and the subdivision should be granted.

Motion to Approve the Use Variance and Minor Subdivision application:
OFFER: Yodakis
SECOND: Reisinger
AFFIRMATIVE: Reisinger, Farrell, Dnistrian, Mahony, and Yodakis
NEGATIVE: None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Reisinger at 8:15 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 February 16, 2023 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on March 16, 2023.

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