ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
APRIL 20, 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 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, Dnistrian, Mahoney, Nicoletta, Maguire, Kornbluh and Yodakis

ABSENT: Farrell (excused)

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

Approval of Minutes:

Motion to approve the March 16, 2023, Meeting Minutes:

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

RESOLUTIONS:

1. **ZB1093 – Express Auto Spa - Block 48, Lot 6 – 297 Route 34**
   Memorialization of Resolution granting a Use Variance as well as Preliminary and Final Major Site Plan Approval with Variances to construct a one conveyor carwash and a two story 5,920 square foot office building in the B-1, Business Zone.

Motion to Memorialize the Resolution

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

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

1 ZB2005 – Santos-Costa - Block 13, Lot 38 – 21 Ann Street

Application to construct two additions and front porch to the existing single family dwelling in the A-1 Zone. Variances are required to permit a front setback of 80' where 90' required, and side setbacks of 44.9' and 50.3' where 55' required.

Mr. Steib announced the service was defective in that the applicant failed to publish the Notice of Hearing in the official newspaper. Since the Notice to all property owners within 200 feet was acceptable last month, it was announced that the hearing is being carried to May 18, 2023 at 7 p.m. in this room and the applicant will have to publish the Notice of Hearing in the paper but will not have to re-notice property owners within 200 feet.

2 ZB2007 Bennett – Block 7.05, Lot 8-20 East Larchmont Drive

Application for second story addition, sunroom, deck and interior renovations in the A-2 Zone. Variances are required to permit a deck and pool separation of 6.25 feet where 20 feet required and a 3 ½ story dwelling where 2 ½ stories is the maximum permitted.

Seven items were marked as exhibits – application, architectural elevations/floor plans, zoning review, Architectural Review Committee comment, Board of Health report, Fire Official report, and survey of property.

Tyler Bennett, applicant and Paul Grabowski, project architect sworn. Mr. Bennett said he has an existing one-story house with a walk-out basement. He would like to add a second story, rear porch and replace the existing deck with a sunroom addition. He tried to design the house to comply with township ordinances. However, the project requires two variances. The first is the separation between the pool and the proposed deck of 6.25 feet where 20 feet is required and to permit a 3 ½ story house where a 2 ½ story is the maximum permitted. Mr. Bennet stated he has a hardship due to the grading of his property. From the street the house appears as a ranch. However, a walk out basement and side entry basement garage classifies the house as a two-story structure. Adding a

story above his first floor creates the variance for the 3 ½ story house. Mr. Bennett explained he took great care in designing the house to minimize its mass and appearance from the street. He pulled the roof line down and added dormers so it doesn't look massive. The house will appear as a 1 ½ story structure, similar to a cape design. Mr. Bennett said he explored grading alternatives to have the basement classified as a cellar but could not bring the structure into compliance due to the garage doors and basement window placement. The house currently contains 4 bedrooms, 3 baths and upon completion it will have 4 bedrooms and 3 ½ baths.

Mr. Grabowski presented a photo board containing a color rendering of the proposed building elevations and floor plans. He described each floor and the proposed improvements.

Mr. Bennett said the proposed deck requires a variance for its separation to the pool. The pool was existing when he purchased the property and is installed at the minimum separation of 20 feet from the house. Due to the pools current location, he cannot install a rear deck without a variance. He explained he took great care in designing the deck and offset the stairs to be away from the pool. The Board questioned if the deck was elevated. Yes, it comes off the first floor at the rear of the house and is 10 feet above grade.

Chairman Reisinger opened the application to the public for questions or comments. No questions or comments.

The Board complimented the applicant on the design of the house and the way the applicant maintained the appearance as a 1 ½ story structure from the street. However, the Board expressed concern that the deck could impede fire fighting capabilities and access to the pool as a water source. Mr. Bennett asked if he could post a performance bond to reconstruct the pool. This would allow him to construct the second story with the pool in place and then after construction is completed, rebuild the pool in a conforming location. Mr. Anfuso advised the pool would need to remove prior to the Township issuing Building Permits for the second story.

After hearing the Board's comments, Mr. Bennett requested the Board not rule on the application tonight and requested to return in May with revised plans addressing the Board's concerns.

This application was carried to the May 18, 2023 hearing at 7 pm with no further notice.

3. <u>ZB2008 Mark</u>-Block 29.11. Lot 11-13 Yellow Brook Drive

Application to construct a second story addition and interior renovations in the A-3 Zone. A variance is required to permit a principal building coverage of 8.1% where 6.6% is the maximum permitted.

Seven items were marked as exhibits – application, architectural elevations/floor plans, zoning review, Architectural Review Committee comment, Board of Health report, Fire Official report, and survey of property.

Mr. Dante Alfieri, Esq. appeared for the applicant. Mr Alfieri stated this is an application for a second story addition. There was a misunderstanding and his client started renovations on the first floor thinking that a variance was not required for the second floor addition.

Ms. Danielle Mark, applicant sworn. Ms. Mark stated she purchased the property in February 2022. At that time, she believed a second story could be built without a variance. The house is currently a four-bedroom home. After the proposed addition it will remain a 4-bedroom home. The addition will move the bedrooms upstairs and allow the first floor to be renovated with a larger kitchen, dining room and family room.
She has already started renovations to the basement and first floor.

Ms. Mark stated that the surrounding houses are two stories in height. Although she is requesting a variance to permit an 8.1% building coverage where 6.6% is the maximum permitted, once the project is completed her home will be brought into compliance with the aesthetics of other homes in the neighborhood.

The Board questioned if the second story addition is within the existing building footprint why on the Zoning Review is the building coverage increasing from 7.8% to 8.1%. Timothy Anfuso, P.P. Township Planner sworn. Mr. Anfuso explained that the building coverage on the Architectural Plans list the existing building coverage at 7.8%. However, in reviewing the project he realized this calculation did not include the existing front porch and basement access which is reflected in the proposed 8.1% building coverage. The building coverage is not being increased by the second story addition and both the existing and proposed building coverage should be 8.1%.

Ms. Donna Miller AIA, project architect sworn. Ms. Miller reviewed the first and second floor plans and the proposed building elevations.

Chairman Reisinger opened the application to the public for questions or comments. No questions or comments.

The Board questioned the height of the basement ceiling. Based on the Survey prepared by Morgan Engineering the ceiling height is 15 feet. Ms. Mark indicated the basement ceiling is less than 15 feet and the Survey must have a typographical error. The Board also expressed concern regarding the mass of the structure as well as the overall amount of deviation being requested. Some Board members saw the hardship with the existing building footprint but questioned if the second story could be smaller in size to reduce the volume of the structure.

After hearing the Board's comments, Mr. Alfieri requested the Board not rule on the application tonight and requested to return in May with revised plans to address the

Board's concerns. Mr. Anfuso asked if the applicant could have Morgan Engineering check the basement ceiling height on the Survey

This application was carried to the May 18, 2023 hearing at 7 pm with no further notice.

4. <u>ZB2004 Andree</u> – Block 34, Lot 3.08 – 26 Raven Road

Application to modify driveway, remove walkways, part of pool patio, shed and deck to construct addition, front porch, interior renovations, detached garage, and new driveway in the A-1 Zone. Variances are required to permit a garage side setback of 25.3 feet where 40 feet required, principal building coverage of 6.92% where 6% is the maximum permitted, a total lot coverage of 21.7% where 20% is the maximum permitted, a detached garage total floor area of 1,548 square feet where 1,200 square feet is the maximum permitted and detached garage building volume of 15,510 cubic feet where 13,000 cubic feet is the maximum permitted.

Eight items were marked as exhibits – application, architectural elevations/floor plans, Plot Plan, zoning review, Pool Plan, Architectural Review Committee comment, Board of Health report, and Fire Official report.

Mr. Mark Aikins, Esq. appeared on behalf of the applicant. Mr. Aikins stated the applicant purchased the property in 1990 where they raised their six children. After 40 years they would like to improve the property. The improvements include a family room, home office and detached garage for vehicle security. Testimony will be provided to demonstrate how the existing nonconforming lot coverage will be reduced. Testimony will also be provided regarding the variances for the detached garage side setback as well as total floor area and building volume.

Mr. Andrew Janiw, P.P. sworn. Mr. Janiw stated the neighborhood dates back to the early 80's. Many of the houses are slowly being renovated. Board mounted aerial and three photographs marked. Mr. Janiw showed photographs of other homes renovated in the neighborhood and detached garages that have been recently constructed.

Mr. Robert Adler, AIA sworn. Mr. Adler explained the applicant has a large family and needs additional space. He designed the house to enhance its appearance from the street. He achieved this through a wraparound porch with gazebo. The front porch is being updated and dormers are being added to the roof. The home office addition is to the rear and cannot be seen from the street. He did this to eliminate the appearance of the house as being a big box. The detached garage has a recreation room on the second floor and will serve as a gathering area for younger family members.

Mr. Adler explained the garage requires a side yard setback, total floor area and building volume variances. To mitigate these variances the applicant is proposing landscaping to buffer the structure from the neighbor. The applicant is reducing the overall lot coverage by eliminating the circular driveway in the front yard. Although the lot coverage is being reduced, the project is over the 20% permitted and still requires a variance due to previous construction.

Mr. Janiw provided planning testimony justifying the requested variances. Mr. Janwi stated the project promotes the Township Master Plan by preserving the context of existing neighborhoods. The proposed improvements are in character of the neighborhood and are not a tear down with something stylistically different. The application also advances the purposes of the Municipal Land Use Law. The first is letter (g) which is to provide sufficient space for residential uses and open space according to their environmental requirements. The second is letter (i) which is to promote a desirable visual environment through creative developments techniques and good civic design. He explained how the project advances each of these purposes through Mr. Adler's design.

Chairman Reisinger opened the application to the public for questions or comments. No questions or comments

The Board complemented the applicant on the presentation and the architectural design's level of detail. However, the Board expressed concern regarding the size of the garage and the total lot coverage. Some Board members noted the wrap around porch is very large and questioned if it could be reduced. Others believed that the total lot coverage could be brought closer to the ordinance requirement.

After hearing the Board's comments, Mr. Aikin's requested the Board not rule on the application tonight and requested to return in June with revised plans to address the Board's concerns.

This application was carried to the June 15, 2023 hearing at 7 pm with no further notice.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Reisinger at 9:00 p.m. to adjourn the meeting, seconded by Ms. Buzzetta and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on April 20, 2023 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on May 18, 2023.

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