ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
May 18, 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, Farrell Buzzetta, Dnistrian, Mahoney, Kornbluh and Yodakis

ABSENT: Nicoletta (excused) and Maguire (excused)

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

Approval of Minutes:

Motion to approve the April 20, 2023, Meeting Minutes:

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

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

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

Application for second story addition, sunroom, deck, porch and interior renovations in the A-2 Zone. Variances are required to permit a deck and pool separation of 8.25' where 20' required, a 3 ½ story dwelling where 2 ½ stories maximum permitted and a building coverage of 6.87% where 6.6% maximum permitted.

Two new items were marked as exhibits – revised Architectural Elevations / Floor Plans and updated Zoning Review.

Tyler Bennett, applicant and Paul Grabowski, project architect were sworn last month an remain under oath. Mr. Bennett said he carefully considered the Board's comments and took great efforts to address the Boards concerns. The first is the separation between the pool and raised deck. He reduced the width of the deck by 2 feet increasing the separation to 8.25 feet. Mr. Bennett also reconfigured the shape of the deck. He slid the deck southwardly and wrapped it around the side of the house. As a result, half of the pool will meet the 20-foot separation requirement. Only 90 square feet of the deck will now be within 20 feet of the pool. The deck stairs were also relocated further from the pool.

In moving the majority of the deck to the side of the house, Mr. Bennett would like to add a 14' x 15' roof section to the deck. This roof requires a new variance to permit a building coverage of 6.87% where 6.6% is the maximum permitted. Mr. Bennett said the covered roof will not be enclosed which could be a condition of approval.

Mr. Grabowski presented the revised building elevations and floor plans. He described how the proposed modifications have increased the separation between the deck and pool.

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 how their prior concerns were addressed. The Board appreciated the efforts made to increase public safety by reducing the pool separation variance.

Mr. Anfuso recommended a condition of approval that the open porch on the deck not be enclosed in the future.

Motion to Approve the Application:
OFFER: Dnistrian
SECOND: Buzzetta
AFFIRMATIVE: Reisinger, Buzzetta, Dnistrian, Mahony Kornbluh and Yodakis
NEGATIVE: None

2. ZB2008 Mark - 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 3 ½ story dwelling where 2 ½ stories maximum permitted.

Two new items were marked as exhibits – revised Architectural Elevations / Floor Plans and updated Zoning Review,

Mr. Salvatore Alfieri, Esq. appeared for the applicant. Mr Alfieri stated the applicant has revised the proposal to address the comments of the Board. As a result, the variances associated with the request have changed. He asked if Mr. Anfuso could his explain his updated Zoning Review and how the variances have changed.

Timothy Anfuso, Township Planner was sworn last month and remain under oath. Mr. Anfuso said last month the Board noted that the Property Survey showed the house contains a 15 foot cellar. The Board requested the applicant have their surveyor confirm the cellar ceiling height. A new survey has been submitted which reduced the cellar ceiling height to 8.7 feet. Due to the outside grades around the house this cellar is actually a basement which by definition is a story. Therefore the house as it actually exists today, is a two and a half stories dwelling with a non-conforming building coverage of 7.91%. The proposed second story is not making a one story structure into a two story dwelling but actually making it a three story structure. This change eliminates the building coverage variance discussed last month, since building coverage is now a pre-existing nonconforming element but introduces a new variance to permit a 3 ½ story dwelling where only 2 ½ stories is permitted.

Ms. Donna Miller AIA, project architect, was sworn last month and remains under oath. Ms. Miller reviewed the changes made to the plans. She eliminated the basement windows along the front of the house, so it doesn't look like a three-story house. The existing building footprint is being reduced by eliminating most of the sunroom. Also, the second story roofline on both sides of the dwelling is being lowered by two feet to reduce the mass and volume of the structure. The applicant is also proposing foundation plantings to soften the appearance. The Board asked if the applicant could continue the landscape plantings along the front of the 6 foot solid fence – Yes.

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

The Board appreciated the efforts of the applicant to reduce the size of the dwelling and minimize its mass. Some members still felt that even though the structure has been reduced, further reductions could be achieved.

Mr. Anfuso recommended as a condition of approval that the applicant submit a landscape plan with plantings along the front foundation and solid fence.

Motion to Approve the Application:
OFFER: Yodakis
SECOND: Kornbluh
AFFIRMATIVE: Reisinger, Buzzetta, Dnistrian, Mahony, Kornbluh and Yodakis
NEGATIVE: 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.

Six items were marked as exhibits – Variance application, Architectural Elevations & Site Plan, Zoning Review, Fire Official comments, Health Officer comments and Architectural Review Committee comments.

Pedro and Anbeis Santos-Costa, applicant / owners sworn. Mr Santos-Costa stated his dwelling is a bi-level and needs additional room for his family. Since the structure is a bi-level, the only practical area to enlarge the home is on the sides of the dwelling. Due to the location of the septic system, expansion to the rear is difficult. Mr. Santos-Costa is proposing two 21' x 53' additions on both sides of the home as well as a new front porch. The project requires variances to permit a front setback of 80 feet where 90 feet is required and side setbacks of 44.9 feet and 50.3 feet where 55 feet is required.

Mr. Costa-Santos explained that with the additions, the home complies with the standard A-1 Zone setback requirements. However, once the additions are constructed, the width of the house will exceed 90 feet, subjecting the structure to the enhanced setbacks of the 90-foot rule which results in the need for the variances.

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

The Board initially expressed concern regarding the two side yard setback variances and impacts to adjoining properties. However, the Board noted that the width of the proposed house was not exceptionally large. Also, if either one of the two side additions were eliminated, the other side setback and its impacts to adjoining properties would not change and would comply with the side setback requirement.

Motion to Approve the Application:
OFFER: Buzzetta
SECOND: Dnistrian
AFFIRMATIVE: Reisinger, Farrell, Buzzetta, Dnistrian, Kornbluh and Yodakis
NEGATIVE: Mahoney

2 **ZB2006 Leiner – Block 21.05, Lot 1 – 193 Laird Road**

Application to construct a 66' x 198' indoor riding arena in the A-1 Zone. Variances are required to permit a front setback of 126.37' from Laird Road where 150' required, building height of 28' where 25' maximum permitted, accessory building coverage of 5.42% where 5% maximum permitted, arena building foot print of 13,068 square feet where 1,200 square feet maximum permitted, arena total floor area of 13,608 square feet where 1,800 square feet maximum permitted and arena building volume of 248,292 cubic feet where 20,000 cubic feet is the maximum permitted.

Seven items were marked as exhibited – Variance application, Variance Plan, Architectural Floor Plans / Elevations, Zoning Review, Architectural Review Committee comments, Health Officer comments and Fire Official comments.

Mr. Salvatore Alfieri, Esq. appeared on behalf of the applicant. A.J. Garito, P.E. project engineer - sworn. Color rendering of the Architectural Elevations and a photo board containing six color photographs marked. Mr. Garito described the property's location and the structures on the property. He said the applicant purchased the property in 2021. With the transfer of ownership, the farmland assessment has lapsed. The property contains 7 acres and the owner is in the process of reestablishing farmland assessment. He said all of the structures except the barn on the property will be removed. The applicant would like to build a new house as well as an indoor riding arena for their own personal use.

Mr. Garito reviewed the seven variances requested. He explained how six of the variances are related to the loss of farmland assessment and the Township's exemption of agricultural structures from the accessory structure size limitations in the A-1 Zone. Once farmland assessment is obtained, the building height, first floor, total floor, volume and coverage variances would go away because the structure complies with the Township's agricultural zoning. The only variance which will remain is the front yard setback from Laird Road.

Mr. Garito described the six color photographs and what they were representing. He also explained a conflict between the Architectural Plans and Variance Plan. The Variance Plan shows inside dimensions, so the structure will be two feet larger. This will change the front setback variance from 126 feet to 124 feet where 150 feet is required. The project will also need a NJDEP Flood Hazard Permit and must comply with the Township's stormwater management requirements. Post construction the off-site runoff rates will be lower than what exists today.

Mr. Anfuso noted that the property contains a pre-existing nonconforming garage apartment which Mr. Garito said will be removed. He questioned if the applicant would accept a condition that this nonconforming structure be removed prior to the issuance of a building permit - Yes

Chairman Reisinger opened the application to the public for questions or comments of the engineer. Jim Ehlinger, 23 Seedling Drive, I have heard a lot of hypotheticals tonight.

He was concerned with the size of the structure, runoff and that right now the property is not classified as a farm. Diane Rinald, 17 Big Beach, asked which structure contained the garage apartment because people have lived in both structures in the past. Marybeth Normayle, 20 Seedling Drive, questioned when farmland assessment will be obtained and was concerned with runoff. Chris Mosley, 164 Laird Road, question due to the slope of the property if it could be farmed, traffic and drainage were also concerns. Joseph Rinaldi, 17 Big Beech Lane, expressed concerns with the drainage and runoff he currently receives across his driveway.

Ms. Daniel Leiner, applicant sworn. Ms Leiner stated her intention is to build a house and indoor riding arena on the property. She is a dressage rider and the size of the arena proposed is regulation size. She will not board horses and the use of the facility is for her own personal use. She met with the Tax Assessor and believes farmland assessment could be obtained in 2025 or 2026. She will agree to a condition of approval limiting the property to four horses.

Chairman Reisinger opened the application to the public for questions or comments of Ms Leiner. Jim Ehlinger, 23 Seedling Drive, questioned if the future farm will have 5 acres of tillable land? Not necessary, it will need 5 acre in agricultural production which is not limited to cropland harvested.

The Board expressed concern if farmland assessment would be obtained eliminating many of the variances regarding the size of the structure. The Board requested an overall concept plan showing the new house as well as anticipated farmland activities. The Board also requested confirmation from the Tax Assessor that their proposed farmland activities would qualify for farmland assessment.

After hearing the Board's comments, Mr. Alfieri requested the Board not rule on the application tonight and requested it to return in July 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.

3 **ZB2009 Zakusilo – Block 21, Lot 37 – 961 Lovett Road**
Application to extend deck (19' x 36") along the side of house in the A-1 Zone. A variance is required to permit a side yard setback of 27' where 50' required. Time to July 18, 2023

Mr. Steib reviewed the Service the applicant. He announced the Service was defective in that the applicant failed to publish the Notice of Hearing in the official newspaper 10 days prior to the hearing. Since the Notice to all property owners within 200 feet was acceptable, it was announced that the hearing is being carried to the June 15, 2023 hearing at 7 p.m. in this room and the applicant will have to republish the Notice in the paper but will not have to re-notice property owners within 200 feet.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Reisinger at 8:55 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 May 18, 2023 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 15, 2023.

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