ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
July 20, 2023 AT 7:00 P.M.

Presiding Officer Mr. Farrell 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: Farrell, Buzzetta, Nicoletta, and Kornbluh

ABSENT: Reisinger, Dnistrian, Mahoney, Maguire, and Yodakis (all excused)

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

Approval of Minutes:

Motion to approve the June 15, 2023 Meeting Minutes:

OFFER:	Buzzetta
SECOND:	Kornbluh
AFFIRMATIVE**:**	Buzzetta, Nicoletta, Kornbluh
ABSTAIN:	None
NEGATIVE:	None

RESOLUTIONS:

1 **ZB2004 Andree – Block 34, Lot 3.08 – 26 Ravin Road**
Memorialization of Resolution granting approval to modify driveway, remove walkways, part of pool patio, shed and deck to construct addition, front porch, interior renovations, detached garage and new driveway.

Motion to memorialize the Resolution:

OFFER:	Kornbluh
SECOND:	Nicoletta
AFFIRMATIVE:	Buzzetta, Nicoletta, and Kornbluh
ABSTAIN:	None
NEGATIVE:	None

2 ZB2009 Zakusilo – Block 21, Lot 37 – 961 Lovett Road
Memorialization of Resolution granting approval to extend deck.

Motion to memorialize the Resolution:

OFFER:	Buzzetta
SECOND:	Nicoletta
AFFIRMATIVE:	Buzzetta, Nicoletta, and Kornbluh
ABSTAIN:	None
NEGATIVE:	None

3 ZB2011 Ottrando – Block 7.31, Lot 1.19 – 11 Applethorn Court
Memorialization of Resolution granting approval to retain rear stone terrace.

Motion to memorialize the Resolution:

OFFER:	Buzzetta
SECOND:	Kornbluh
AFFIRMATIVE:	Buzzetta, Nicoletta, and Kornbluh
ABSTAIN:	None
NEGATIVE:	None

ADMINISTRATIVE ITEMS:

Appointment of Joni VanNest as Zoning Board of Adjustment Secretary.

OFFER:	Farrell
SECOND:	Nicoletta
AFFIRMATIVE:	Farrell, Buzzetta, Nicoletta, and Kornbluh
NEGATIVE:	None

APPLICATIONS: Old Business

1 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 yard 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. Time to August 31, 2023.

Mr. Steib stated Attorney Alfieri made a request to carry the application to the September 21, 2023 meeting. He announced the application will be carried to September 21, 2023 with no further public notification. He also stated the September meeting will be held in the new Town Hall courtroom located at 1 Veteran's Way at 7:00 p.m. As this was the second request to carry the application, the Board asked the Township Planner, Mr. Anfuso, to notify the applicant that if it is not advanced on September 21 the Board will dismiss the application due to lack of prosecution.

APPLICATIONS: New Business:

1 ZB2010 McCormack – Block 39, Lot 11.05 – 10 Noble Court

Application to install a 6 foot aluminum fence in the front yard of Route 537 in the A-1 Zone. A variance is required to permit a 6-foot fence in a front yard where 4 feet is the maximum height permitted. Time to July 31, 2023.

Eight items were marked as exhibited:

1. Application dated March 22, 2023
2. Fence exhibit of "active yards", undated
3. As built survey prepared by E.S. E. Consultants, dated April 5, 2023
4. Architectural Review Committee Report, dated April 11, 2023
5. Health Officer Report, dated April 3, 2023
6. Fire Official Report, dated April 7, 2023
7. Township Planner Report, dated March 20, 2023
8. Aerial photo of the subject property

Applicant Stacy McCormack, appearing on her own behalf, was sworn.

The applicant stated that the back of her property abuts Route 537 where there is no shoulder on the road. Other properties along the road have fences; hers does not. This creates a situation where drivers tend to pull off the road onto her grass at all times of the day and night for such reasons as taking a call or working on their computer. As a single parent she considers this a safety concern. There have been issues with people stealing cars in driveways. A fence would give her a sense of security and also provide needed privacy.

Mr. Farrell asked if there were any public comments; there were none.

The Board questioned the type of fence to be installed, as they felt a stockade fence was inappropriate for the traditional backyard.

Mr. Tim Anfuso, P.P., Township Planner, was sworn. He advised the Board that the plan is to install a heavy grade aluminum 6' fence with a 25' setback from Route 537 in the back and come up along the side property lines, eventually meeting the sides of the house. Ms. McCormack plans to add landscaping along the fence line facing the road. Mr. Anfuso advised the Board that in addition to seeking a zoning variance, the applicant will also have to go before the Township Committee to get their consent to put a fence within the 150 foot Scenic Corridor Easement which is dedicated to the Township.

The Board understood the applicant's safety concern but wanted to ensure the fence would be set back from Route 537, be open and screened with landscaping to minimize its impacts.
Motion to Approve the Application with the conditions that the fence have a setback at least 25' from the Route 537 right of way line, that it is no greater than 6' tall, that it will not be a stockade/solid fence, that the applicant submits a landscape plan for screening in front of the fence, and that the applicant goes before the Township Committee to get their approval to place the fence in an easement.

OFFER: Farrell
SECOND: Nicoletta
AFFIRMATIVE: Farrell, Buzzetta, Nicoletta, Kornbluh
NEGATIVE: None

2 <u>ZB2012 Passalacqua</u> – Block 34, Lot 14 – 295 Route 537

Application to remove front porch and construct a one story addition to the single family dwelling. A variance is required to permit a front setback of 44' where 75' is required. Time to September 7, 2023.

Eight items were marked as exhibited -

1. Zoning Review from the Township Planner, Tim Anfuso, dated April 28, 2023
2. Application dated May 11, 2023
3. Architectural Review Committee Report, dated June 13, 2023
4. Fire Council Report, dated June 5, 2023
5. Health Official Report, dated May 11, 2023
6. Architectural Elevation and Floor Plan
7. Existing Conditions Map prepared by Two River Engineering, dated November 1, 2021, revised January 5, 2023, with hand-drawn changes
8. Aerial photo of the subject property

Joseph Passalacqua, applicant, and Tim Anfuso, P.P., Township Planner, were sworn.

Mr. Passalacqua noted the house is currently 1,100 square feet and 100 years old. The family needs additional space. The new construction would add an additional 1,500 square feet. The addition will be uniform in appearance with the existing structure.

Mr. Farrell opened up the meeting for public comments; there were none.

The Board confirmed that, when complete, the house front setback would not extend beyond the location of the current porch, and that it would be in line with the existing house. The Board also appreciated that the applicant would be preserving a 100-year-old house.

Mr. Anfuso noted the drawings show a kitchen in the new section. He recommended removal of the original kitchen as a condition of approval. Condition was made to obtain Health Official approval of the size of the septic system.

The Board also made a condition that they could never enclose the porch.

Motion to Approve the Application with the above-mentioned conditions:
OFFER: Buzzetta
SECOND: Nicoletta
AFFIRMATIVE: Farrell, Buzzetta, Nicoletta, and Kornbluh
NEGATIVE: None

3 <u>ZB2013 Gutowski</u> – Block 35.02, Lot 10 – 40 Beaver Dam Rd

Application to install a generator. A variance is required to permit generator front setback from Woodhollow Road of 75 feet where 100 feet required. Time to September 7, 2023.

Seven items were marked as exhibited -

1. Zoning Review by Township Planner, Tim Anfuso, dated May 22, 2023
2. Application dated May 22, 2023
3. Architectural Review Committee Report, dated June 13, 2023
4. Fire Council Report, dated June 5, 2023
5. Board of Health Report, dated May 22, 2023
6. Generac generator brochure
7. Aerial photo of the subject property

Edward Gutowski, applicant, and Tim Anfuso, P.P., Township Planner, were sworn.

Mr. Gutowski stated that his home has frequent power outages so he would like to install a whole-house generator. He noted that because they live on a corner property zoning regulations will not allow the generator be placed where they would prefer, next to the other utilities at the side of the house. Being a corner lot, the applicant considers this a side lot, while the Township considers it as a front yard. The only other location to install the generator would be at the back of the house, which would spoil the view of their floor to ceiling windows. The "side yard" is a very secluded area and heavily landscaped. The generator would not be visible from Woodhollow Road. Installing it in another location would add great expense to the project, as they would have to move the gas line.

Mr. Farrell opened up the meeting to public comment. There were none. The Board recognized the hardship in that the property is a corner lot and the generator would be screened from public view.

Motion to Approve the Application:

OFFER:	Farrell
SECOND:	Nicoletta
AFFIRMATIVE:	Farrell, Buzzetta, Nicoletta, and Kornbluh
NEGATIVE:	None

4 <u>ZB2014 Kape</u> – Block 7.20, Lot 9 – 39 Mulberry Ln

Application to construct open front porch. A variance is required to permit a front setback of 72.5 feet where 75 feet is required. Time to September 26, 2023.

Eight items were marked as exhibited -

1. Zoning Review by Township Planner, Tim Anfuso, dated May 30, 2023
2. Application, dated May 30, 2023
3. Architectural Review Committee Report, dated June 13, 2023
4. Fire Council Report, dated June 5, 2023
5. Board of Health Report, dated May 31, 2023
6. Architectural Elevation and Floor Plans prepared by Fett-Vico Architects, dated March 16, 2023
7. Survey by Morgan Engineering, dated January 28, 2023
8. Aerial photo of the subject property

Christina Kape, applicant; Jason Vico, AIA, Project Architect; and Timothy Anfuso, P.P., Township Planner, were sworn.

Mr. Vico provided background on his credentials to present testimony.

Mr. Vico explained that the applicant would like to extend the existing front porch three feet to the left and three feet to the right to improve the curb appeal of the property and to provide weather protection for the porch. Currently, there is no cover. The porch will not extend any further than it already is. The geometry of the lot is causing the front setback to cut through a corner of the porch.

Mr. Farrell opened up the meeting to the public. There were no public comments.

The Board noted the front setback variance was for only a corner of the porch and believed the variance was de minimis.

Motion to Approve the Application with the contingency that it won't be enclosed:

OFFER:	Farrell
SECOND:	Nicoletta
AFFIRMATIVE:	Farrell, Buzzetta, Nicoletta, and Kornbluh
NEGATIVE:	None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made at 7:52 p.m. to adjourn the meeting.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on July 20, 2023 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on September 21, 2023.

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