

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JULY 18, 2019 AT 8:00 P.M.**

Mr. Bennett 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 by regular mail a copy of said Notice to the News Transcript 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: Bennett, Burke, Farrell, Florek, Reisinger, Taeschler, Lukowitz and Dnistrian

ABSENT: Yodakis

ALSO PRESENT: Timothy Anfusio, P.P., Mike Steib, Esq. and Ruth Leininger

**Approval of Minutes:**

Motion to Approve the June 20, 2019 Meeting Minutes:

OFFER: Dnistrian

SECOND: Burke

AFFIRMATIVE: Bennett, Burke, Florek, Reisinger, Taeschler, Lukowitz and Dnistrian

NEGATIVE: None

**RESOLUTIONS:**

**ZB1019 – Marsh – Block 13.01, Lot 10 – 20 Ann Street**

Memorialization of Resolution granting approval to construct a front porch in the A-1 Zone. A variance is required to permit a front setback of 71.4’ where 75’ is required.

Motion to Memorialize the Resolution:

OFFER: Taeschler

SECOND: Lukowitz

AFFIRMATIVE: Bennett, Burke, Florek, Reisinger, Taeschler and Lukowitz

NEGATIVE: None

**ZB1015 – Colts Neck Community Church – Block 31, Lot 10.01 – 25 Merchants Way**

Memorialization of Resolution granting approval for Use Variance to convert the existing Colts Neck Community Church into a professional office building.

Motion to Memorialize the Resolution:

OFFER: Taeschler

SECOND: Dnistrian

AFFIRMATIVE: Bennett, Burke, Reisinger, Taeschler, Lukowitz and Dnistrian

NEGATIVE: None

**ADMINISTRATIVE:**

**ZB1017 – Phadke Gallery – Block 30, Lots 14 & 15 – 175 Route 537**

Request to withdraw the application without prejudice.

Mr. Anfuso advised the applicant submitted an application and a completeness review was held at which time the application was deemed incomplete because more technical information was required. The applicant decided not to pursue the application and now requests to dismiss the application without prejudice.

Motion to Accept and Memorialize Withdrawal of Application Without Prejudice:

OFFER: Reisinger

SECOND: Farrell

AFFIRMATIVE: Bennett, Burke, Farrell, Florek, Reisinger, Taeschler and Lukowitz

NEGATIVE: None

**APPLICATIONS: Old Business**

**ZB1018 – Sela – Block 16, Lot 53.04 – 6 Magnolia Lane**

Application to retain a circular driveway and walkway and construct a detached garage in the A-1 Zone. Variances are required to permit a building separation of 10' where 20' is required and a total lot coverage of 21.3% where 20% is the maximum permitted.

Mr. Steib, Esq. announced this application is a continuation from the May 16, 2019 meeting. Five new items were marked as exhibits – variance plan, zoning review, survey, color rendering of the variance plan and six photos.

Luan Sela, applicant stated he brought his engineer who would present the application for him. A.J. Garito, Engineer – sworn. Mr. Garito explained several improvements had been previously made to the property without approvals and when he calculated the total lot coverage it came to 27.1%. The garage that is being proposed will be constructed on top of the existing driveway, not increasing the lot coverage. They are also removing the existing shed, 2,438 s.f. of driveway and 1,470s.f. of pool patio which would bring the total lot coverage down to 21.3%.

Open to the public with no comments. The Board felt the applicant did a good job meeting their concerns and felt the cabana was not unreasonable. The total lot coverage was way off at 27.1% and bringing it down to 21.3% was commendable. The Board did however stipulate that all the lot

coverage to be removed must be done prior to obtaining building permits. Approval from the Fire Marshall must be obtained as well as obtaining a street opening permit for the driveway.

Motion to Approve the Application:

OFFER: Farrell

SECOND: Taeschler

AFFIRMATIVE: Bennett, Burke, Farrell, Florek, Reisinger and Taeschler

NEGATIVE: Lukowitz

**APPLICATIONS: New Business:**

**ZB1010 – Goldenberg – Block 2.09, Lot 10 – 7 Princeton Lane**

Application to retain a principal building side setback of 81.7' where 82.52' is required in the AG Zone.

The Board accepted the application. Five items were marked as exhibits – zoning review, application, foundation as-built survey, floor plans and Fire Marshall's review.

Jerry Goldenberg, applicant – sworn. Mr. Goldenberg explained that the architect drew the plans correctly however the civil engineer rotated the house causing the house to encroach 10.2 inches into the side setback. This is new construction and this was discovered when the foundation location survey was submitted to the Township.

Open to the public with no comments. The Board felt that ten inches was diminimis.

Motion to Approve the Application:

OFFER: Burke

SECOND: Farrell

AFFIRMATIVE: Bennett, Burke, Farrell, Florek, Reisinger, Taeschler and Lukowitz

NEGATIVE: None

**ZB1023 – Scholze – Block 13, Lot 1 – 68 Crine Road**

Application to construct a shed in the A-1 Zone. Variances are required to permit a front setback of 41' where 100' is required and a side setback of 10' where 15' is required.

The Board accepted the application. Four items were marked as exhibits – zoning review, application, survey and floor plans.

Cynthia and Adam Scholze, applicants – sworn. Mr. Scholze explained they were in front of the Board a few months ago and were granted a variance allowing them to install a garage. However, while getting their building permits it was discovered their leaching field was in the middle of the garage. The property is very small and the only way the garage could be constructed would be by moving it forward requiring new variances.

Open to the public with no comments. The Board agreed this is an undersized lot with no where else to put the garage which they felt as a necessity to screen the cars from view. The Board did not see any significant difference in the location that was previously approved and what they now requested.

Motion to Approve the Application:

OFFER: Reisinger

SECOND: Taeschler

AFFIRMATIVE: Bennett, Burke, Farrell, Florek, Reisinger, Taeschler and Lukowitz

NEGATIVE: None

**ZB1014 – Schatzle – Block 29.12, Lot 7.01 – 45 Heyers Mill Road**

Application for Use Variance to convert a recreation building into a single family dwelling on a lot where only one dwelling is permitted in the A-3 Zone. A variance is required to permit a side setback of 21' where 30' is required.

The Board accepted the application. Nine items were marked as exhibits – application, Use Variance Plan, architectural plans, Township Planner's review letter, Zoning Review, Fire Marshall's review letter, color Use Variance Plan, aerial photo and four photos.

Dante Alfieri, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Mr. Garito explained the property contains 2.61 acres and is serviced by a common driveway from Heyers Mill Road with adjoining Lot 7.02. The property is zoned A-3, Village Residential District and the proposed two single family dwellings on one lot is not a permitted use. This is an application for a Use Variance to retain the conversion of a recreation building into a second single family dwelling. The first floor of the dwelling contains a living room, dining room, kitchen, laundry room and half bath. The second story contains a bedroom, sitting room and bathroom.

Open to the public. Thomas Bean, 44 Heyers Mill Road – sworn. Mr. Bean stated he lives across the street from the applicant. He said the modification to the barn was a very welcome addition and dramatic improvement. Gina DeJohn, 10 Yellowbrook Road – sworn. Ms. DeJohn felt the conversion of the barn was a great improvement, when the barn housed animals there were issues with odors. Ms. DeJohn said the Schatzle's are the best neighbors and she fully supported the application. Ray Longobardi, 1 Juniper Place – sworn. Mr. Longobardi stated he was in full support of the application. Phil Kornbluh, 47 Heyers Mill Road – sworn. Mr. Kornbluh shares the driveway with Mr. Schatzle and has lived there for 20 years. He would hate to see the property subdivided where a much larger home could be built. He felt the small cottage had no negative impact and he fully supported the application.

James Schatzle, applicant – sworn. Mr. Schatzle stated he has lived in Colts Neck for 52 years. He is a widower and with his own recent health issues he has had to rely heavily on family to help with his children. With his own health issues looming he felt compelled to take care of his family although he apologized for the way he went about it. Open to the public with no comment.

Andrew Janiw, Planner – sworn. Mr. Janiw explained the property is almost four times the required lot area however it is narrow and deep going to the Yellowbrook and only has a 13% total lot coverage where 20% is the maximum permitted. The Master Plan for Colts Neck is to preserve the rural and scenic character of the town. If this property were to be subdivided two much larger homes could be built where as currently it is very quaint with a lot of trees on the lot. Mr. Schatzle's wants to honor the intent of the neighborhood and felt asking for a Use Variance is better planning and the least obtrusive option even though the density of the property would support much more. The suitability is the fact that an existing structure was repurposed to maintain the rural character.

Mr. Janiw quoted "New Jersey Zoning and Land Use Administration" by William Cox, Chapter 28-2.2 where it was the view of the authors that a variance could legitimately be limited to certain classes of persons such as aged parent or other dependent relatives. In the case of an approval, a document such as a Deed restriction should be recorded. It was Mr. Janiw's opinion that this application falls under these guidelines the Use Variance could be granted with restrictions.

Open to the public with no comments. Mr. Alfieri asked for a five minute recess.

The Board felt the layout of the property supports both structures. The second structure is very modest, has not increased in size and the aesthetics have only been enhanced. The Board agreed they would hate to see the property developed with two much larger homes if the property was subdivided. The Board also took into consideration the tremendous community support from the neighbors who all spoke in favor of the application. The Board felt any approval must be restricted and stipulated a Deed restriction must be filed restricting the use to parents, children, siblings by blood and their spouses. The second residence can not be enlarged and is restricted to 1,093 s.f. and it can not be rented or used as an income producing property.

Motion to Approve the Use Variance:

OFFER: Burke

SECOND: Taeschler

AFFIRMATIVE: Bennett, Burke, Florek, Taeschler, Lukowitz and Dnistrian

NEGATIVE: None

**DISCUSSION ITEMS:**

None

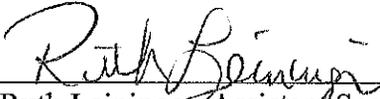
**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Ms. Burke at 9:40 p.m. to adjourn the meeting, seconded by Mr. Florek and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on July 18, 2019 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on August 15, 2019.

  
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Ruth Leininger, Assistant Secretary  
Board of Adjustment of the  
Township of Colts Neck