

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 21, 2020 AT 7:00 P.M.**

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 by regular mail a copy of said Notice to the Asbury Park Press, 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

Further, on May 14, 2020 notice was provided to The Asbury Park Press and News Transcript that in order to comply with Executive Order 104 from the Governor of the State of New Jersey, this meeting would be held virtually with log-in information and telephonic numbers for call-in being provided via the Township website."

Roll Call

PRESENT: Farrell, Taeschler, Buzzetta, Dnistrian, Lukowitz, Mahoney, Reisinger, Nicoletta and Maguire

ABSENT: None

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

Approval of Minutes:

Motion to Approve the February 20, 2020 Meeting Minutes:

OFFER: Dnistrian

SECOND: Reisinger

AFFIRMATIVE: Farrell, Taeschler, Buzzetta, Dnistrian, Lukowitz, Mahoney, Reisinger

NEGATIVE: None

RESOLUTIONS:

ZB1028 – O’Connor – Block 43.01, Lot 5 – 12 Burlington Trail

Memorialization of Resolution granting approval to modify rear deck to an existing dwelling in the A-1 Zone. A variance is required to permit a rear setback of 43’ where 46.4’ is required.

Motion to Memorialize the Resolution:

OFFER: Dnistrian

SECOND: Lukowitz

AFFIRMATIVE: Farrell, Taeschler, Buzzetta, Dnistrian, Lukowitz, Mahoney and Reisinger

NEGATIVE: None

ZB1030 – Rytter – Block 17, Lots 1 & 26 – 17 Revolutionary Road

Memorialization of Resolution denying request to construct a two story addition and breezeway to a single family dwelling in the A-1 Zone. Variances are required to permit a front setback of 77’ where 93’ is required and 77’ is existing and a side yard setback of 20’ where 50’ is required and 60’ currently exist.

Mr. Steib, Esq. suggested the Discussion Item be moved to discuss prior to the memorialization of this resolution. The applicant requested to reopen the application however it was Mr. Steib’s opinion the Board did not have the authority to do so unless there was a misrepresentation, fraud or mistake. The Appellate Division rendered a decision on May 20, 2020 to expand the authority to “consideration of reasonableness, fairness and good cause” and a Board’s action “is not concluded until it adopts a written resolution that memorializes its final decision”. This decision has not been approved for publication at this point therefore it shall not constitute precedent or be binding in any court but Mr. Steib felt obliged to advise the Board.

The Board opined the application was processed correctly and felt they carefully considered the application and gave the applicant every opportunity to revise the application prior to voting.

Motion to Memorialize the Resolution:

OFFER: Lukowitz

SECOND: Dnistrian

AFFIRMATIVE: Farrell, Dnistrian, Lukowitz and Mahoney

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

APPLICATIONS: Old Business

None

APPLICATIONS: New Business:

ZB1031 – Racioppo – Block 29, Lot 14.03 – 4 Shady Tree Lane

Application to construct a detached garage in the A-1 Zone. A variance is required to permit a front yard setback of 120’ where 100’ is required. Time to August 27, 2020

The Board received a letter from the applicant requesting to carry the application to the June meeting. This application is carried to June 18, 2020 with no further notice.

DISCUSSION ITEMS:

ZB1030 – Rytter – Block 17, Lots 1 & 26 – 17 Revolutionary Road

Mr. Rytter stated his purpose for the addition has changed from one of convenience to one of necessity. The Board suggested Mr. Rytter call Mr. Anfuso tomorrow for guidance on applying for a new application.

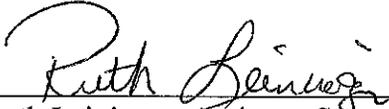
EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion was made by Mr. Lukowitz at 7:50 p.m. to adjourn the meeting, seconded by Mr. Reisinger 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 21, 2020 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on June 18, 2020.



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