

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
SEPTEMBER 17, 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 September 1, 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, Dnistrian (five minutes late), Lukowitz, Mahoney, Reisinger (five minutes late), Nicoletta and Maguire

ABSENT: Buzzetta (excused)

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

**Approval of Minutes:**

Motion to Approve the August 20, 2020 Meeting Minutes:

OFFER: Lukowitz

SECOND: Nicoletta

AFFIRMATIVE: Taeschler, Lukowitz, Mahoney, Nicoletta and Maguire

NEGATIVE: None

**RESOLUTIONS:**

**ZB1036 – Rytter – Block 17, Lots 1 & 26 – 17 Revolutionary Road**

Memorialization of Resolution granting approval to construct a two-story addition and generator to an existing dwelling in the A-1 Zone. A variance is required to permit a front yard setback of 77’ where 85’ is required and a side yard setback of 27’ where 51’ is required

Motion to Memorialize the Resolution:

OFFER: Taeschler

SECOND: Reisinger

AFFIRMATIVE: Taeschler, Dnistrian, Lukowitz, Mahoney and Nicoletta

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

None

**APPLICATIONS: Old Business**

**ZB1037 – Chern – Block 13, Lot 6 – 70 Prothero Road**

Application to install a 24' x 40' shed in the A-1 Zone. A variance is required to permit a front yard setback of 80' where 150' is required.

Mr. Steib, Esq. advised the applicant sent in correspondence stating they required additional time to amend their plans and asked for the application to be carried. This application is carried to October 15, 2020 with no further notice. Anyone interested in this application should call the Zoning office or check the Township website for log in information.

**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 side yard setback of 30' where 40' is required.

Mr. Steib, Esq. advised this applicant noticed prior to having virtual meetings and does not want to renounce. This application is carried to the October 15, 2020 meeting and the applicant must renounce for a virtual meeting, alternatively the application can carry until we have an in person meeting. Anyone interested in this application should call the Zoning office for more information

**ZB1034 – Tosato – Block 30, Lot 3 – 40 New Street**

Application to construct an addition to a single family dwelling in A-3 Zone. Variances are required to permit a front setback of 38' where 75' is required and 34' exists, a side setback of 7.4' where 15' is required and 7.4' and 10.9' currently exists and building coverage where 7.1% where 6.6% is the maximum permitted.

The Board accepted the application. Seven items were marked as exhibits – application, survey, floor plans, Zoning Review, Fire Marshall's review, Health Officer's comments and Architectural Review Committee's comments.

Megan Tosato, applicant – sworn. Ms. Tosato explained there is a breezeway that connects the house and garage. They are proposing to eliminate the breezeway and square off the front of the home and eliminate part of the garage to allow for a larger kitchen area and put an addition above that area to

enlarge the master bedroom. The addition will not come any closer to the front or side property line than the existing house does currently. The septic was replaced in May of this year so the Health Officers concerns should have been met.

Open to the public – Donna Otten, 44 New Street – sworn. Ms. Otten stated she lives next door and does not have a problem with the addition. She felt it will be a wonderful asset to the community and New Street.

The majority of the Board felt the property was an undersized lot of record, the front was just being squared off and the addition was just slightly over. The approval was conditioned on the Health Officer approving the addition.

Motion to Approve the Application:

OFFER: Taeschler

SECOND: Mahoney

AFFIRMATIVE: Farrell, Taeschler, Dnistrian, Lukowitz, Mahoney and Nicoletta

NEGATIVE: Reisinger

**ZB1032 – Giuffre – Block 51, Lot 2.30 – 17 Squan Song Lane**

Application to retain patios and walkways that were installed without municipal approvals. A variance is required to permit a total lot coverage of 22.15% where 20% is the maximum permitted.

The Board accepted the application. Eight items were marked as exhibits – Zoning Review, application, variance plan, Architectural Review Committee’s comments, aerial photo, series of 28 photos, auto cad version of site plan and site plan that was approved March 20, 2020.

Sal Alfieri, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Mr. Garito explained this property abuts Due Process so there are no homes in the vicinity. In 2008 Mr. Giuffre had a Planning Board application to construct a pond and he was granted a variance to exceed lot coverage. The Board granted a variance to allow 20.3% coverage where 15% was the maximum allowed at that time. Mr. Giuffre removed a portion of his driveway as part of that application. After he had the pond for a while, he discovered he was having issues with small rocks around the pond washing into the pond after rain and he put more substantial pavers down.

Currently Mr. Giuffre is having issues with water ponding on his driveway and went to Mr. Garito to resolve the issue. When Mr. Garito drew the plan, it was discovered he exceeded the lot coverage and knew this was something that must be addressed. The property is very lush with vegetation, is surrounded by Due Process on three sides and has no impact on neighbors as depicted in the photos.

Open to the public with no comments. The Board felt the lot coverage was excessive and there was no hardship. The applicant requested the application be carried so they can revisit the plan. This application is carried to November 19, 2020 with no further notice. Anyone interested in this application should call the Zoning office or check the Township website or for log in information.

**ZB1038 – Gentile – Block 7.31, Lot 1.09 – 32 Chestnut Drive**

Application to remove rear deck and construct a one story addition to an existing dwelling in the A-1 Zone. A variances is required to permit a total lot coverage of 6.75% where 6% is the maximum permitted.

The application was accepted. Seven items were marked as exhibits – Zoning Review, application, survey, site plan, Health Officer’s comments, Fire Marshall’s comments and Architectural Review Committee’s comments.

Louis Gentile, applicant – sworn. Mr. Gentile explained they would like to enlarge their very narrow kitchen. When you open the dishwasher or oven no one can pass by. The deck will be removed and the addition will be built over a portion of the existing deck area. Mr. Gentile explained he recently purchased the home and he was unaware that it was currently over in building coverage. Erwin Bustamante, Architect – sworn. Mr. Bustamante reviewed the plan to expand the kitchen/breakfast area with the Board. They are asking to increase the kitchen by approximately 375 s.f. The Board noted that a pavilion on the plans appears to also require a side setback variance. Mr. Gentile stated he will relocate the pavilion to a conforming location and is not requesting a variance for this structure.

Open to the public with no comments. The Board was concerned with the lot coverage and did not see a hardship especially when it was currently over in building coverage. The Board was very torn with the addition being only 375 s.f. and the need for a functional kitchen.

Motion to Approve the Application:

OFFER: Farrell

SECOND: Taeschler

AFFIRMATIVE: Farrell, Taeschler, Lukowitz, and Maguire

NEGATIVE: Dnistrian, Mahoney and Reisinger

**ZB1039 – Maddaluna – Block 34, Lot 16.25 – 23 Orchard Lane**

Application to retain a batting cage that was installed without municipal approvals. Variances are required to permit a side setback of 18’ where 40’ is required, a building separation of 18’ where 20’ is required and a total lot coverage of 23.6% where 20% is the maximum permitted.

The Board accepted the application. Seven items were marked as exhibits – Zoning Review, application, survey, photo, Health Officer’s comments, Fire Marshall’s comments and Architectural Review Committee’s comments.

James Maddaluna, applicant – sworn. Mr. Maddaluna explained he put up a batting cage for his grandchildren. The poles are set in concrete and stay up all year however the netting comes down in the winter. There are large trees along the property line so he felt it was adequately screened from the neighbors.

Open to the public. Scott Stevens, 19 Orchard Lane – sworn. Mr. Stevens stated Mr. Maddaluna is not just using the batting cage for family but there are teams that come for two hours (5 – 7 p.m.) four to five times a week and they are within 10 feet of his property. Mr. Maddaluna stated they only come one night a week and there are not more than five children at a time and they are very well behaved.

The Board did not see a hardship and felt the lot coverage was very high. They were especially concerned when they had a neighbor that came out in opposition.

Mr. Maddaluna asked to carry the application to give him the opportunity to explore other options and granted an extension of time to December 31, 2020. This application is carried to the November 19, 2020 meeting with no further notice.

**DISCUSSION ITEMS:**

None

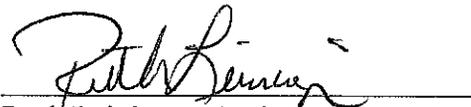
**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion was made by Mr. Nicoletta at 9:10 p.m. to adjourn the meeting, seconded by Mr. Mahoney and unanimously carried.

I hereby certify that the above is a true and exact copy of the meeting minutes for the meeting conducted on September 17, 2020 adopted by the Board of Adjustment of the Township of Colts Neck at its meeting held on October 15, 2020.



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