

January 8, 2009

Township of Colts Neck

Shade Tree Commission

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Meeting Minutes

The Meeting was called to order at 7:30 PM by Chair Person Eileen Stivala who read the following statement. "As the presiding officer of this meeting of the Colts Neck Shade Tree Commission, I hereby declare that the notice requirements in accordance with the provisions of the Open Meeting Law Chapter 21, P.L. 1995 has been provided in accordance with the Annual Notice Procedures of C 10.4 – 28 of said Act. I further order that this public announcement be placed in the minutes of this meeting.

Roll Call –

Commission Members Present - Eileen Stivala, James Nicoletti, Ben O'Neill, Mary Barbagallo, Henry Hammond

Commission Member Absent – Jennifer Axelrod

Staff Present – Julie McGowan, Al Reed Sec.

Staff Absent –

Township Committee Liaison Report – Ed Eastman is the 2009 representative of the Township Committee. He was briefly introduced to the STC membership and staff and was briefed on the way the STC has operated in the past and will probably continue to do so in the future.

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The following items have been removed from the minutes due to lack of action by applicant, failure to furnish STC with adequate information or any required actions have been completed.

1. **PB # 622 Block 51, Lot 2.22 Due Process Tennis Courts** – Block # 51, Lots 2 & 2.22 Major lot plan & Variance Prints Dated 12/30/04. Conditional approval resolution approved 1/6/05. Revised prints required.
 2. **PB # 609A Green, Block 46, Lot # 10, Route 537** – Conditional approval granted 1/6/05. Revised Prints Required. Awaiting action by applicant.
 5. **PB # 651 Shoppes at Colts Neck Block 48, Lot 5.39, 40, Route 34** – Inadequate plans – poor landscaping. Not approved – Plans unacceptable.
 7. **PB # 667 Mr. Kling – Block 7, Lot 4.01/4** – Not acceptable, need revised plans. (Retention Pond is a concern) {See J.M. Memo}
 11. **PB # 669 – Mumford, Block 22, lots 8 & 17** – STC recommends rejection. Need clarification.
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New Subdivisions and Site Plans

The following items have been carried over from 2008.

1. **PB # 636 Findel, Cedar Dr. – Minor Site Plan** – JM report dated 3/6/06 on 12/22.05 prints – open item awaiting PB action and revised prints. JM has new plans and reports progress.
2. **PB # 649 Willow Brook Stables – Block 9, Lot 2.01, Willow Brook Road** – Plans in their present form denied. NC
3. **PB # 661 Notoro, Mockingbird Drive, Block 11, Lot 3.05** – New plans coming in with revisions. Denied (to be carried in minutes as until new PB # is issued.) Driveway in Conservation easement.

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- NC Ben O will inspect and report at Feb Meeting.
4. **PB # 665 Rada, Bluebell, Block 29, Lot 9.** (PB approved – needs new plans. NC
 5. **PB # 668 Bonanno – Evergreen, Block 9, Lot 2.09** – Resolution written accepting revised plans showing fence moved and new plantings. Ben “O” to verify and check for any activity. NC
 6. **PB # 637 – Furman 41 Muhlenbrink Road, Block 33, Lot 7.01**
Approved, but needs four sets of plans. In process, J.N. to stamp & sign prints @ Town Hall.
 7. **Mr. Bill Kileen of 37 Acorn Dr.** came to our regular STC Meeting seeking help/relief from a problem he is having. As he stated, a neighbor has changed the topography of his property to such an extent that any water falling as normal precipitation is unnaturally diverted on to Mr. Kileen’s property causing water problems that did not exist for years before the neighbor changed the elevation of his land causing the water to be diverted onto Mr. Kileen’s property. (J. Nicoletti is aware of some of the details of this problem. J. Nicoletti will contact Mr. Kileen and report on findings at the February STC Meeting.
 8. **PB # 671 Cappola, Clover Hill Road & Moonlight, Block 1, Lot 8.01 and Lot 8.5** – Lot Line Revision – Need Landscape plan NC
 9. **PB # 672 Trump, Block 46, Lot 1.52** – JM is currently overseeing proposed changes to landscaping and the owner is cooperating with STC recommendations.

INFRACTIONS & OTHER ITEMS

1. Rivers edge multiple residents having various greenway violations – As follows: *In progress*
 - a. **Parikh** – Block 35, Lot 22.24. CEO letter of 9/10/03 reference lights to be removed by 10/10/03. CEO actively pursuing. No landscaping required. JN to follow up with CEO.
 - b. **Bisignano** – Block 35, Lot 22.23 – CEO letter of 11/13/03, violations to be removed by Oct 1, 2003. JN to follow up with CEO.
 - c. **Damusjian** – Block 35, Lot 22.18 – CEO letter dated 10/16/03 with action by 11/01/03. No action as of 11/01/03. CEO and JN to follow up.
 - d. **Vulpis/Lionette** – Block 35, Lot 22.19 – CEO Letter dated 10/16/03. Need to consult lawyer regarding STC's next move. CEO and JN to follow up.
 - e. **Aprilante** – Block 35, lot 22.20, CEO sent letter dated 10/16/03. Mrs. Aprilante called GEF saying " Fire caused damage" . Need to consult lawyer regarding STC's next move. CEO & JN to follow up. Property inspection required.

2. **Shor - Block 27, Lot 10.2 Bluebell Road** - Fence and structure in Conservation Easement and wetlands, groundcover shrubs and trees cut. CEO sent letters dated 3/11/04 & 4/15/05. CEO and GEF and DEP representative met with Mr. Shor. He is to proceed with the wetlands problem first. CEO & JN to follow up.

3. **PB # 633 Clemente # 9 Western Drive, Block 10, Lot 9.6** – Greenway easement and site violation. On 6/29/05, GEF and AJ Garito discussed 6/02/05 print with Township Committee. They agreed to land swap and other changes. PB approved with conditions. Revised prints required. *Property needs to be inspected. Mary & Sal Barbagallo & Julie to inspect property.*

4. **Figaro, Michel # 153 Cedar Drive** – Cut large tree in conservation

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easement. JM & JA to report on site visit and make recommendations for restoration. NC ES will write letter to Mr. Figaro asking that he replace the large 36 inch caliber that was removed with five 3 inch caliber white oaks. Locations will be flagged by JM and suggest planting by 15 May '06 NC - Letter sent to Mr. Figaro informing him that 5 trees should be planted by May 15, 2007 to avoid further action against him. It is duly noted that the trees planted are not white oak and Mr. Figaro is in violation. To be forwarded to legal to determine course of action.

5. DeFalco, Robert # 26 Twin Lake Dr., Block # 48, Lot 20.13- Landscape easement violation. – Off Bond. Tax map 7.05, 6/05/05. - J. N., GEF visited site.- Needs to be reviewed with J. M. and follow up. Violation notice served 11/06/05 and on site visit with GEF. Mr. DeFalco to replace rails in fence but must not remove any more brush or ground cover. Discuss restoration procedure. JM will determine what is to be planted after a visit to the site. JM to follow up w/letter. Need landscape plan. Memo sent to T. Anfuso so stating. Secretary to send Defalco a letter.

6. Polino, on Williamsberg – STC needs to get Rich Galinski (CEO) to explain violation if any regarding fencing, wall height, and pool built into deck. Deferred until next month NC

7. Mr. Mark Vanselous, 92 Tulip Lane, Block 7.24, Lot 3 - Violated property boundary by the following actions. Cleared a conservation easement, installed a fence in a conservation easement, has planted grass in the area he cleared. It is required by law that the fence be removed from the conservation easement. Cease all mowing of conservation easement allowing the conservation easement to return to its natural state as it was intended to be. (STC to write official letter to Mr. Vanselous reflecting the above.

8. (See item # 7 Reported under New Subdivisions and Site Plans.) Mr. Bill Killeen of 37 Acorn Dr. came to our regular STC Meeting seeking help/relief from a problem he is having. As he stated, a neighbor has changed the topography of his property to such an extent that any water falling as normal

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precipitation is unnaturally diverted on to Mr. Killeen's property causing water problems that did not exist for years before the neighbors changing the elevation of his land to divert the water from his property onto Mr. Killeen's. (J. Nicoletti is aware of some of the details of this problem.) JN to further investigate and report findings to STC at Feb. Meeting.

Committee Reports –

Violations, Complaints and “other” item resolution subcommittee – No report.

Tree Ordinance was reviewed. A few suggestions were taken. Julie McGowan will reply to LRPC. STC will request to Bob Bowden that Rich Galinski come to STC Meetings and will be compensated for his time. This will help all of us to be up to date on matters of concern to the STC. Secretary wrote letter to Mayor & Council regarding wind damage and root compacting when large trees are removed up to the property line. See Julie McGowan memo.

Pools – No Action to report

Committee Reports

Violations, Complaints and “other” item resolution subcommittee. No Report

Cul-de-sac Sub Committee – No report.

Pools - No report. –

Public Lands Committee Report - *Street Trees, Town Hall, Park*

H. Hammond reports that trees will be ordered for planting on Township property using any remaining funds in budget.

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Lands, Greenways, Conservation acres, and Landscape easements. No report.

STC Member's Reports & Questions – None

At the request of H. Hammond, the secretary will update the STC Member Roster and provide same to members at February Meeting.

Nominating Committee of Ben O'Neil, Mary Barbagallo & Henry Hammond reported that the officers for 2009 will be the same officers and appointees that served in 2008. This is with the exception of Stephen Marx who is being transferred out of state for a period of several years.

A vote was taken reflecting the recommendations of the Nominating Committee. The vote was unanimously yes for all offices of STC Members and Staff.

Meeting Adjourned @ 8:40 PM - Motioned by James Nicoletti seconded by Henry Hammond.

Respectfully Submitted,

A. W. Reed, STC Secretary