

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
JANUARY 10, 2006 MINUTES**

The Chairman called the meeting to order by reading the following statement: "As Chairman and Presiding Officer of this meeting of the Planning Board, I hereby declare that the notice requirements of the law have been satisfied by prominently posting on the Township bulletin board a notice of this meeting, and that there has been transmitted by regular mail a notice to the Colts Neck Calendar and the Asbury Park Press and that a copy is on file in the Office of the Township Clerk. I further order that this public announcement be placed in the minutes of this meeting."

Salute the Flag

Roll Call

Present: Barbagallo, Malinowski, Florek, Stuart, Crossan, Kostka, Orgo, Robinson, Thompson, Lear and Behrens

Absent: None

Mr. Robinson stated that the nominating committee felt that the current appointments were working very well and nominated Sal Barbagallo as Chairman, Richard Malinowski as Vice-Chairman and Ruth Leininger as Secretary. There were no nominations from the floor.

Motion to approve the full slate:

OFFER: Robinson

SECOND: Kostka

AFFIRMATIVE: Barbagallo, Malinowski, Florek, Stuart, Crossan, Kostka, Orgo, Robinson and Thompson

NEGATIVE: None

Schedule of Planning Board Meetings for 2006 at 8:00 p.m. at Town Hall was proposed.

Motion to adopt schedule:

OFFER: Malinowski

SECOND: Kostka

AFFIRMATIVE: Barbagallo, Malinowski, Florek, Stuart, Crossan, Kostka, Orgo, Robinson and Thompson

NEGATIVE: None

Appointment of Street Coordinator: Tom Orgo

Long Range Planning Committee is selected: Barbagallo, Malinowski and Robinson

Motion to appoint Township Engineer: Glenn Gerken, P.E.

OFFER: Robinson

SECOND: Thompson

AFFIRMATIVE: Barbagallo, Malinowski, Florek, Stuart, Crossan, Kostka, Orgo, Robinson and Thompson

NEGATIVE: None

Motion to appoint Planning Board Attorney: Michael B. Steib, Esq.

OFFER: Malinowski

SECOND: Crossan

AFFIRMATIVE: Barbagallo, Malinowski, Florek, Stuart, Crossan, Kostka, Orgo, Robinson and Thompson

NEGATIVE: None

Motion to appoint Landscape Architect: Julie McGowan

OFFER: Malinowski

SECOND: Robinson

AFFIRMATIVE: Barbagallo, Malinowski, Florek, Stuart, Crossan, Kostka, Orgo, Robinson and Thompson

NEGATIVE: None

Approval of Minutes:

December 13, 2005 Minutes Approved:

OFFER: Kostka

SECOND: Malinowski

AFFIRMATIVE: Barbagallo, Malinowski, Florek, Kostka, Orgo, Robinson, Thompson, Lear and Behrens

NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

Application 582 – Parmar – Block 7, Lot 4.14 – Colts Gait Lane

Request for a two year extension of time to the Minor Site Plan with Variance. The extension of time will begin on January 14, 2005 and expire January 14, 2007.

Mike Bruno, Esq. represented the applicant. Mr. Bruno stated that a resolution granting site plan approval to build a tennis court was memorialized in January 2003. The applicant wishes to begin construction this spring, however the approval has already expired. The zoning has not changed and no new relief is being sought. The Board felt that 18 months would be adequate.

Motion for an Eighteen Month Extension of Time:

OFFER: Orgo

SECOND: Malinowski

AFFIRMATIVE: Barbagallo, Malinowski, Florek, Stuart, Crossan, Kostka, Orgo, Robinson and Thompson

NEGATIVE: None

OLD BUSINESS:

None

NEW BUSINESS:

Application 631 – DeSaye – Block 7, Lots 7.01 & 7.11 – 55 Crine Road Application for a Preliminary and Final Major Subdivision with variances for a lot line adjustment between two lots in the AG Zone.

A letter was received from this applicant requesting to be carried. This application was carried to the February 7, 2006 meeting with no further notice.

Application 556A – Eyres - Block 43, Lots 11, 14, 18, 19 & 20, Block 44, Lots 11 & 12 and Block 45, Lots 5, 5.01 & 5.02 – Matthews and Mercer Roads

Application for Final Major Subdivision Approval for Phase I (7 residential lots and 1 farm lot) of a total 27 lots in the AG Zone.

Chairman Sal Barbagallo and Tom Orgo recused themselves from this application. Mr. Barbagallo turned the meeting over to Vice Chairman Malinowski. Eight items were marked as exhibits – application, Final Plat Phase 1, Memo from the Shade Tree Commission, Environmental Commission review, Architectural Review report, Township Planner’s review, Landscape Architect review and Township Engineer’s review letter.

A.J. Garito, P.E. – sworn. Mr. Garito explained that the applicant would like to separate this project into three different phases. There are no changes to any of the lot lines and all conditions of preliminary approval will be fulfilled. They also ruled that the applicant does not need another LOI since it expired. Open to the public with no comments.

Motion to Approve the Application:

OFFER: Stuart

SECOND: Kostka

AFFIRMATIVE: Malinowski, Florek, Stuart, Crossan, Kostka, Robinson, Thompson Lear and Behrens

NEGATIVE: None

Application 633 – Clemente/Colts Neck Township - Block 10, Lots 9.01 & 9.06 – 9 Western Drive Application for Minor Subdivision Approval with Variances for a lot line adjustment in the A-1 Zone.

Mike Bruno, Esq. represented the applicant. Eleven items were marked as exhibits – application, Engineer’s review, Planner’s review, minor subdivision plat, Environmental Commission review, Shade Tree Commission review, Landscape Architect review, filed map rendering, mounted landscape plan, mounted minor subdivision plat and a series of ten photos.

A.J. Garito, P.E. – sworn. Mr. Garito explained this property abuts the reservoir. When Mr. Clemente purchased this property the home had burnt and the property had an existing pool and retaining wall. When the neighboring subdivision was created, a conservation easement was created putting the existing pool partially in the easement and greenways surrounding the property. Mr. Clemente has rebuilt the home, pool and retaining wall. The Shade Tree Commission gave Mr. Clemente a violation for having structures in the greenways. After extensive negotiations the Shade Tree Commission recommended a landswap with the Township. George Fessler, Shade Tree Commission Staff – sworn. Mr. Fessler concurred and stated the Shade Tree Commission felt more damage would occur by trying to remove and replace the retaining wall. The town would gain additional frontage to the greenway, improving access – they felt this resolution would be in the best interest of the town.

Mr. Bruno told the Board they went in front of the Township Committee with the Shade Tree Commission and they were given permission to pursue this subdivision application. The Township Committee was not receptive at first, but ultimately agreed this would be in the best interest of the town.

Matthew Clemente, applicant – sworn. Mr. Clemente stated that he had appeared in front of the Township Committee back in 1994 to have the conservation easement moved out of his driveway and he thought out of the pool as well. He stated that to his knowledge the existing monuments delineated the greenway and he was on his property.

Open to the public. Mike Harm, 16 Colonial Terrace – sworn. Mr. Harm was concerned with preserving the greenways and was disappointed in the way this situation evolved. Jim Goedeck, 28 Colonial Terrace – sworn. Mr. Goedeck felt the town should maintain the laws and demand compliance.

Mr. Clemente stated that he originally offered to remove the wall and rebuild it further onto his property but the Shade Tree Commission wanted the land swap instead.

A number of the Board members did not feel a land swap should be warranted and the wall should just be moved out of greenway. The majority of members felt they needed to do a site visit before they could render a decision. This application is carried to the February 7, 2006 meeting with no further notice.

EXECUTIVE SESSION:

None

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Thompson at 10:05 p.m. and this was seconded by Mr. Malinowski and unanimously carried.

I hereby certify that the above is a true and exact copy of the Planning Board Meeting minutes for the meeting conducted on January 10, 2006 adopted by the Planning Board of the Township of Colts Neck at its meeting held on February 7, 2006.

Ruth Leininger, Secretary
Planning Board of the
Township of Colts Neck of Colts Neck