

**TOWNSHIP OF COLTS NECK  
PLANNING BOARD MEETING  
JANUARY 8, 2008 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, Hennessy, Forester, Crossan, Kostka, Orgo, Thompson and Lear

Absent: Robinson and Eastman

Also Present: Timothy Anfusio, P.P., Glenn Gerken, P.E., Doug Freiberger, Esq., and Ruth Leininger

Mr. Lear 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. However the committee did recommend that a succession begin for the year 2009. There were no other nominations from the floor. Mr. Orgo made a motion to close nominations and this was seconded by Mr. Thompson and unanimously carried.

Motion to approve the full slate:

OFFER: Orgo

SECOND: Kostka

AFFIRMATIVE: Barbagallo, Malinowski, Hennessy, Forester, Crossan, Kostka, Orgo, Thompson and Lear

NEGATIVE: None

Schedule of Planning Board Meetings for 2008 at 8:00 p.m. at the Court House was proposed.

Motion to adopt schedule:

OFFER: Malinowski

SECOND: Kostka

AFFIRMATIVE: Barbagallo, Malinowski, Hennessy, Forester, Crossan, Kostka, Orgo, Thompson and Lear

NEGATIVE: None

Appointment of Street Coordinator: Tom Orgo

Long Range Planning Committee is selected: Barbagallo, Crossan and Orgo

Affordable Housing Subcommittee is selected: Kostka, Malinowski and Robinson

Chairman Rotation Subcommittee is selected: Kostka, Lear and Orgo

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

OFFER: Orgo

SECOND: Malinowski

AFFIRMATIVE: Barbagallo, Malinowski, Hennessy, Forester, Crossan, Kostka, Orgo, Thompson and Lear

NEGATIVE: None

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

OFFER: Malinowski

SECOND: Thompson

AFFIRMATIVE: Barbagallo, Malinowski, Hennessy, Forester, Crossan, Kostka, Orgo, Thompson and Lear

NEGATIVE: None

Motion to appoint Landscape Architect: Julie McGowan

OFFER: Malinowski

SECOND: Lear

AFFIRMATIVE: Barbagallo, Malinowski, Hennessy, Forester, Crossan, Kostka, Orgo, Thompson and Lear

NEGATIVE: None

### **Approval of Minutes:**

December 11, 2007 Minutes Approved:

OFFER: Malinowski

SECOND: Kostkai

AFFIRMATIVE: Barbagallo, Malinowski, Hennessy, Forester, Crossan, Kostka, Orgo, Thompson and Lear

NEGATIVE: None

### **RESOLUTIONS:**

None

### **ADMINISTRATIVE ITEMS:**

#### **Application PB645 – Stavola – Block 53.01, Lot 6 – Obre Road**

Request for a six month extension of time to the Minor Subdivision. The extension of time will begin on November 3, 2007 and expire May 3, 2008.

Mr. Anfuso explained to the Board the language in the deeds have been going back and forth. It is almost resolved and the monuments still need to be set. Realistically they should only need a few weeks but Mr. Anfuso asked Mr. Alfieri to give himself enough time so they do not need to come back for another extension.

Motion to Approve the Extension of Time:

OFFER: Orgo

SECOND: Robinson

AFFIRMATIVE: Barbagallo, Stuart, Hennessy, Kostka, Orgo, Robinson and Eastman

NEGATIVE: None

### **OLD BUSINESS:**

#### **Application PB656 – Galeros – Block 16, Lot 12 – 16 Shawnee Court**

Application for a two lot Minor Subdivision with variances in the A-1 Zone.

Mr. Walter Toto, Esq. addressed the Board and stated the Engineer had a conflict and was not able to attend this evening. Four new items were marked as exhibits – Township Engineer's review, Township Planner's review, Landscape Architect review and a minor subdivision plan.

Mr. Toto explained the Engineer prepared a plan they felt addressed the concerns the Board had last month. This plan did not extend the street and gave each property there own driveway. Four drainage pits were added to address drainage concerns and the neighbor that was concerned with the proximity of the new house was moved back 60'. They have also increase plantings around the pre-existing pool and scenic corridor.

Open to the public. Kathy Haufbauer, 2 Shawnee Court – sworn. Ms. Haufbauer thanked them for moving the house back, although there preference was for the street to be extended. Vince Domidion, Revolutionary Road asked if they were rehabbing the greenway? No. The greenway is Township property and all new plantings will be in the scenic corridor easement.

The Board had mixed feelings whether the street should be extended or not. Some members felt since two conforming lots could be created that is what should be done, others did not want to add the impervious area. Mr. Toto felt he should come back with his Engineer. This application is carried to the February 12, 2008 meeting with no further notice.

#### **Application PB659 – Giuffre – Block 51, Lot 2.30 – 17 Squan Song Road**

Application for Minor Site Plan Approval with Variances to install a pond, inground swimming pool, pool cabana, fountain and pergola.

John Giunco, Esq. represented the applicant. Five new items were marked as exhibits – Township Planner's review, Landscape Architect's review, Township Engineer's review, revised plans and a color rendering of the revised site improvement plan.

Mr. Garito, Engineer – sworn. Mr. Garito explained the total lot coverage they were requesting at the last meeting was 23.9%. They have removed 3% by shrinking the driveway and some walkway features bringing down the request to 20.9% while 20.7% currently exists. They did not feel there was a negative impact since there proposal is only .2% more than what exists today, they have added a pond to collect stormwater and the property abuts a golf course.

Open to the public. Vince Domidion, Revolutionary Road commented the way watersheds function you must take into account the entire picture. Some Board members did not feel the applicant did enough to reduce the coverage and they should bring it down to what was approved – 18.99%.

A motion was made to deny the application with a second. Mr. Giunco asked to take a five minute recess to confer with his client. Mr. Steib, Esq. arrived and Mr. Freiberger, Esq. left.

Mr. Guinco told the Board the applicant agreed to narrow the driveway to 15' not to exceed 20% total lot coverage. The motion that was on the table was withdrawn. The Board felt the applicant was making a reasonable effort and removing more coverage than what currently exists.

Motion to Approve the Application:

OFFER: Thompson

SECOND: Orgo

AFFIRMATIVE: Barbagallo, Malinowski, Hennessy, Crossan, Kostka, Orgo, Thompson and Lear

NEGATIVE: None

### **NEW BUSINESS:**

#### **Application PB660 – Robert DeFalco Realty – Block 46, Lot 11 – Route 537 West**

Application for Minor Site Plan Approval with Variances convert an existing 3,000 s.f. structure into a real estate office.

Jack Serpico, Esq. represented the applicant. Fifteen items were marked as exhibits – application, topographic plans, site plan, Stormwater Management Report, two reports from the Township Engineer, floor plan, Township Planner's report, Architectural Review comments, Landscape Architect comments, Business Advisory comments, Shade Tree Commission review, copy of the filed deed for current owner, copy of easement agreement with Schiano Construction and a color layout exhibit.

Nicholas Porchynsky, Engineer – sworn. Mr. Porchynsky testified the septic is adequate for seven employees. There will not be any new construction only remodeling of the interior offices. Seven offices in total are proposed as well as a lunch room in the basement only containing a table and chairs with a microwave and coffee pot. They will removed the dumpster from the conservation easement and stated the garbage will be removed by the employees.

It was noted that the landscaping has not been completed from the prior site plan application and must be fulfilled. Mr. Serpico stated they would complete all required landscaping. The Board felt this was a very intense use for this site in terms of parking requirements. There is very heavy traffic on Route 537 making entering and exiting very difficult.

Robert DeFalco, applicant – sworn. Mr. DeFalco stated he currently has an 1,800 s.f. real estate office at the Colts Towne Center containing four offices and six workstations. Although in his description of operations it was stated that 35 agents may hang their license at the agency, most of the agents work from their home and spend the balance of their time out with clients. Mr. DeFalco stated his business is established and this is the way it works currently. Occasionally an agent will meet a client at the office prior to showing a property but not very often. It was also stated that staff meeting are held twice a month off site (restaurants) and this practice will continue.

The Board was very skeptical, especially when a variance is required to permit seven parking spaces where ten are required. The Board was not only concerned with the parking but also putting a more intense use that the site is not designed for in terms of egress. The Board could not understand how the applicant could control that no more than seven agents would be in the office at the same time.

Open to the public. Don Burry, 22 Woodland Drive – sworn. Mr. Burry was concerned with the shared parking. He felt if you would give a variance for parking you would be compounding the problem. Exiting the property is hazardous. Vince Domidion, 22 Revolutionary Road asked if the cross parking would balance the parking demands or is the peak hours for all businesses at the same time? They would all be the same. Lillian Burry, 30 Route 537 West – sworn. Mrs. Burry stated real estate is a seven day a week business and customers do come to the office. Mrs. Burry asked the Board to remember when the prior application was approved the intensity of use was a major concern, nothing has changed. Please take into consideration this is a much more intense use with more employees and higher parking demands.

Mr. Serpico requested this application be carried so they can address concerns of the Board. This application is carried to the February 12, 2008 meeting with no further notice.

**DISCUSSION:**

None

**MOTION TO ADJOURN**

A motion to adjourn was made by Mr. Malinowski at 11:10 p.m. and this was seconded by Mr. Kostka 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 8, 2008 adopted by the Planning Board of the Township of Colts Neck at its meeting held on February 12, 2008.

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