

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
APRIL 14, 2009 MINUTES**

The Vice Chairman called the meeting to order by reading the following statement: “As Vice 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 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: Orgo, Forester, Florek (5 minutes late), Barbagallo, Crossan, Kostka, Robinson and Lear

Absent: Malinowski, Thompson and Powell

Also Present: Timothy Anfusio, P.P., Joseph May, P.E., Julie McGowan, C.L.A., Mike Steib, Esq., and Ruth Leininger

Approval of Minutes:

March 10, 2009 Minutes Approved:

OFFER: Barbagallo

SECOND: Kostka

AFFIRMATIVE: Orgo, Forester, Barbagallo, Crossan, Kostka, Robinson and Lear

NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

None

OLD BUSINESS:

Application PB674 – McMahan – Block 7.02, Lots 34.01 & 34.13 – Clover Hill Road
Application for Preliminary Major Subdivision Approval for an eight lot subdivision in the A-1 Zone.

Sal Alfieri, Esq. represented the applicant. Ten new items were marked as exhibits – memo from Mike Steib, Esq., two review letters from Township Engineer’s, Architectural Review Committee’s comments, Board of Health comments, Township Planner’s review, Environmental Commission comments, Landscape Architect’s review, color rendering of the landscape plan and a photo board with several documents.

A.J. Garito, Engineer – sworn. Mr. Garito explained they revised the plans in accordance with comments they received at the previous meeting. They have shortened the cul-de-sac by 140’ however by doing this three new variances were created. The detention basin has been shifted up and this eliminated the amount of trees that need to be removed from eleven to two. The width of the road has been reduced and the two COAH units will now be provided off site to address neighbors concerns.

Mr. Garito also addressed the drainage concern brought up by the neighbor to the south of this site at the last meeting. Mr. Garito stated he researched Township meeting minutes and files and found when the Planning Board approved Malvern Estates. That approval required “the applicant to provide a small ditch up the centerline of the drainage easement in the rear of one lot to drain a low, wet area”. His opinion was this manmade stream did not meet the criteria to be a regulated by the Flood Hazard requirements and does not require a 300’ buffer. The Township Engineer concurred; this is not a regulated waterbody.

Open to the public. Michael Leckstein, Esq. represented adjoining property owner Carol Siebolt. Mr. Leckstein and his Engineer clearly did not agree with Mr. Garito and pleaded the Board to condition any approval on the applicant getting an applicability determination from the DEP. Robert Bara, 4 Homelands questioned why neighbors on Homelands Drive were required to go to the DEP before construction permits were issued? Mr. Anfuso stated they were putting additions onto their homes that were within 50’ of the wetlands buffer requiring a DEP determination.

Mr. Steib, Esq. explained to the Board if they were confident this is not a regulated stream they do not have to require the applicant to go to the next level; however if the Board is unsure they should require the applicant to go to DEP. The Board felt there was no testimony against what the applicant and Township Engineer stated and demonstrating that this manmade ditch is a regulated water body. The applicant has gone out of their way to appease objectors so the burden of proof should be left to the objector.

After much discussion, the Board felt a Homeowners Association should maintain only the detention basin. The individual homeowners will take care of the landscaping.

Motion to Approve the Application:

OFFER: Barbagallo

SECOND: Kostka

AFFIRMATIVE: Orgo, Forester, Florek, Barbagallo, Crossan, Kostka and Lear

NEGATIVE: Robinson

RECUSE: None

NEW BUSINESS:

Application PB625C – Vaccaro I – Block 48, Lot 6 – Route 34

Application for a Deviation to the Preliminary and Final Major Site Plan Approval to transfer approximately 800 s.f. from the general retail/office building to the proposed bank.

Sal Alfieri, Esq. represented the applicant. Ten new items were marked as exhibits – application, amended site plan, two sets of floor plans of bank, two correspondences from Mr. Alfieri, review from Township Engineer, review from Township Planner, board mounted color rendering of landscape plan and mounted elevations of bank building.

Mr. Alfieri, Esq. explained to the Board this application was originally approved in 2005 and they have been back in front of the Board several times to tweak the plans. A.J. Garito, Engineer – sworn. Mr. Garito explained that Mr. Vaccaro has his first tenant, Bank of America, who will occupy the front building. Bank of America’s footprint is 755 s.f. larger than what was approved, the drive thru area is increased by 86 s.f. but they are decreasing the office/retail and medical office building footprint by 968 s.f. Nothing has changed regarding the parking or drainage. Previously a variance was granted to permit a three foot separation between the bank and the sidewalk; they are now requesting a variance to permit a two foot separation.

Bill Ryan, Architect – sworn. Mr. Ryan explained they tried to keep as close to the original submission as possible with the usable footprint staying the same. The building will now be a brick building to match the middle building. The width of the walls increased from 6” to 18” (because it is now brick) and had to add another door because of a 24 hour ATM machine. They still wanted two signs, but wanted to change the location to the façade on the north and west side of the building. It was agreed that the signs would be externally illuminated and limited to 40 s.f. Open to the public with no comments.

The Board felt reducing the separation between the sidewalk and bank to two feet was reasonable, however landscaping would not survive so it was agreed that stone should be utilized. The approval was based on the taxes being paid prior to the resolution being memorialized.

Motion to Approve the Application:

OFFER: Barbagallo

SECOND: Robinson

AFFIRMATIVE: Orgo, Forester, Florek, Barbagallo, Crossan, Kostka, Robinson and Lear

NEGATIVE: None

RECUSE: None

Application PB675 – Kesicki – Block 13, Lots 5.01 & 5.02 – 145 Heulitt Road

Application for Sketch Plat approval of a two lot Preliminary and Final Major Subdivision with variances in the A-1 Zone.

Mr. Steib, Esq. advised the Board that when the legal notice was published the newspaper misspelled Heulitt Road and it was unrecognizable and it will have to be published in the paper again. The notices

to homeowners were fine so they will not get a new notice. This application is carried to the May 12, 2009 meeting with no further notice.

Application PB676 – Klatsky – Block 40.05, Lot 11 – 25 Jockey Terrace

Application for Minor Site Plan Approval with variance to install a sports court in the AG Zone.

Eleven items were marked as exhibits – minor site plan, review letter from Township Engineer, Architectural Review comments, Township’s Landscape Architect’s comments, Board of Health comments, Fire Prevention Review, Township Planner’s review letter, Environmental Commission comments, blow up of tax map page, photoboard with six photos and a Board mounted color rendering of the site plan.

Brian Klatsky, applicant and A.J. Garito, Engineer – both sworn. Mr. Garito explained the Klatsky’s have a 2.36 acre parcel of property where they would like to construct a 110’ x 55’ sports court; they do not have any other improvements on the property. A variance is needed to permit total lot coverage of 16.52% where 15% is the maximum permitted. The Klatsky’s have a 25’ landscape easement along one side of their property and a Stormwater management system is designed. Open to the public with no comments.

The Board was troubled with a variance request for 10% over the permitted of lot coverage. The applicant stated the tennis court has been reduced as much as possible. It was suggested that possibly some of the driveway could be eliminated. The applicant was agreeable to this. It was decided the applicant would eliminate 1,000 s.f. of coverage, not exceeding a maximum of 15.55%. An as-built survey will be provided as well as performance guarantees will be posted.

Motion to Approve the Application:

OFFER: Kostka

SECOND: Robinson

AFFIRMATIVE: Orgo, Forester, Florek, Barbagallo, Crossan, Kostka, Robinson and Lear

NEGATIVE: None

RECUSE: None

DISCUSSION:

Debra Loving addressed the Board. Ms. Loving stated her son raised a flag pole at Five Points Park as an Eagle Project. He wanted the flag pole to be 45’ high but was told the maximum is 31.25’. He was disappointed but obeyed the ordinance. She now read Trump National received approval for two 80’ flag poles – how is she going to explain this to her son when he returns home from college?

The Board explained an applicant always has the option of applying for a variance. When an application comes in front of the Board they have to look at each individual case and judge it on its own merit.

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Barbagallo at 10:45 p.m. and this was seconded by Mr. Lear 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 April 14, 2009 adopted by the Planning Board of the Township of Colts Neck at its meeting held on May 12, 2009.

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