

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
MAY 11, 2004 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 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, Burry, Forester, Kostka, McBride, McGarry, Robinson, Orgo and Lear

Absent: Crossan

Also Present: Mike Steib, Esq., Timothy Anfuso, P.P., Glenn Gerken, P.E., Julie McGowan and Ruth Leininger

Approval of Minutes:

April 13, 2004 Minutes Approved:

OFFER: Burry

SECOND: Orgo

AFFIRMATIVE: Barbagallo, Malinowski, Burry, Robinson, Orgo and Lear

NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS

Application #528 – White Cedar Estates – Block 41, Lot 4 – Kathleen Drive

Application for two (2) one year extensions of time to the Final Major Subdivision Approval. The extensions will be retroactive to April 10, 2003 and expire on April 10, 2005.

Motion to Approve the Extension of Time:

OFFER: Robinson

SECOND: McBride

AFFIRMATIVE: Barbagallo, Malinowski, Burry, Forester, McBride, McGarry, Robinson, Orgo and Lear

NEGATIVE: None

ABSTAIN: Kostka

Application #493 – Zito Office Building – Block 47, Lot 13 – 32 Leland Road

Application for a one year extension of time to the Final Major Site Plan Approval with Variances. The extension will be retroactive to May 8, 2004 and expire May 8, 2005.

Motion to Approve the Extension of Time:

OFFER: Malinowski

SECOND: Orgo

AFFIRMATIVE: Barbagallo, Malinowski, Forester, Kostka, McBride, McGarry, Robinson, Orgo and Lear

NEGATIVE: None

ABSTAIN: Burry

Application #345 – Colts Neck Country Club – Block 46, Lot 1.18

Application for a five year extension of time to Phase I, II and III Final Major Subdivision Approvals. The Phase I extension will be retroactive to August 13, 2003 and expire August 13, 2008. The Phase II extension will begin on May 11, 2004 and expire May 11, 2009 and the Phase III extension will begin December 14, 2004 and expire December 14, 2009.

Mayor Burry recluded herself from this application. Diane Aifer, Esq. represented the applicant. Mr. Steib, Esq. announced that the applicant had noticed for this extension because the original approval had been given over five years ago. It was explained that the applicant is seeking this extension to protect the development from any zoning changes. Since all of the lots are not completely sold or built this would allow the homes to be consistent.

Open to the public. Mr. Jeff Cruz, 2 Comstock Lane – sworn. Mr. Cruz stated that he supported the application but he and many of his neighbors had concerns about when certain improvements would be completed such as landscaping, fencing and various road improvements. They did not want to wait until 2009 for these to occur. The residents had met with the builder and voiced these concerns, they were assured that these issues would be taken care of by way of a letter to each of them with a proposed timetable. The letter stated that the installation of fencing would begin June 2004, relocation of construction trailers should be moved by Memorial Day, the turning lane on Route 537 would begin prior to July 4, 2004, top coating of pavement will be done in the fall of 2005 with potholes repaired by May 31, 2004 and landscaping would begin in the fall of 2004 and completed during the fall of 2005. The Board felt that the residents had a legitimate concern and felt it would be fair to all concerned if the approval were granted conditioned on the letter from R. Diane Aifer, Esq. dated May 5, 2004 that was written to the residents.

Motion to Approve the Extension of Time:

OFFER: Malinowski

SECOND: Orgo

AFFIRMATIVE: Barbagallo, Malinowski, Forester, Kostka, McBride, McGarry, Robinson, Orgo and Lear

NEGATIVE: None

ABSTAIN: Burry

Application #462B – Spatial Design – Block 48, Lot 21 – Route 537

Application for a deviation to the approved Final Major Subdivision in the AG Zone. The applicant is requesting a variance to retain an existing 36’ x 128’ barn which was originally planned to be removed.

Ms. Aifer, Esq. asked that this application be carried to the June meeting. Mr. Steib, Esq. announced that this application will be carried to the June 8, 2004 meeting which will be held in the Court House with no further notice.

Wagar Informal Review – Block 48, Lot 3, Route 34

Informal review of a conceptual Major Site Plan with variance to construct a total of 16,000 s.f. of restaurant, retail and office uses in the B-1 zone.

Richard Tilton, Esq. represented the interested party, who are experienced restaurateurs. Mr. Garito, Engineer explained the sketch. They are considering taking down the existing restaurant and constructing two, two-story retail/office buildings, an outdoor plaza and one 6,400 s.f. restaurant with an outdoor eating area. Parking is proposed around the outside of the buildings with a detention pond that they will make as a decorative feature. A treatment facility is being proposed so there will not be any problems with a restaurant. The only variance that is anticipated is having the parking within 10’ of the property which is consistent with all of the other commercial buildings in that area.

The consensus of the Board was that this was very nicely done and made very good use of the land. They were especially pleased that only one variance would be needed. Mr. Tilton thanked the Board for their time and input and stated an application will be forthcoming shortly.

OLD BUSINESS:

None

NEW BUSINESS:

Application #602A – Mumford – Block 22, Lots 8 and 17 – Montrose Road

Application for a deviation to the approved Minor Site Plan with Variances in the AG Zone. The applicant is requesting a variance to increase the size of the pool cabana.

John Giunco, Esq. represented the applicant. Tom Orgo reclused himself from this application. Nine items were marked as exhibits – the application, Architectural Review Report, two Engineering Reports, Shade Tree Commission Report, Planner’s Report, plans, elevation and floor plans and a Minor Site Plan. Mr. Giunco explained to the Board that the applicant wished to increase the size of the pool cabana from the approved 540 s.f. to 860 s.f. Andrew French, Engineer – sworn. It was explained that although the lot that the pool house, main house and barn are on are separate from the lot that is in Farmland Preservation, it will not be noticeable to anyone else, therefore the impact is de minimis. The total acreage of both lots is 110 acres. The pool house is designed to match the home and will keep 20’ from the house and 12’ from the cabana. Roger Mumford, owner – sworn. Mr. Mumford stated that the barn has actually been made smaller than what is shown on the plans and the cabana will not be used as a dwelling.

The Board asked for an as-built to show the correct dimensions of the barn. The Board had mixed feelings because the house is on a separate smaller lot could be sold separate from the piece that is in Farmland Preservation.

Motion to Approve the Application:

OFFER: Burry

SECOND: Robinson

AFFIRMATIVE: Barbagallo, Burry, McBride, McGarry, Robinson and Lear

NEGATIVE: Malinowski, Forester and Kostka

ABSTAIN: Orgo

Application #604 – Baker – Block 16, Lot5316 – 5 Old Stable Way

Application for Minor Site Plan Approval with variances to construct a 30' x 30' sports court in the rear yard of a residential property in the A-1 Zone.

Mike Bruno, Esq. represented the applicant. Mr. Bruno reminded the Board that this applicant was previously in front of them and denied because of setbacks and coverage issues. The applicant has revised their plans reducing the variances being sought. A side setback of 35.7' is requested where 40' is required and a proposed separation between the sports court and dwelling of 14' where 20' is required. The lot coverage is presently at 22.9% and they are seeking 24.56% where the maximum permitted is 20%. Eight items were marked as exhibits – the application, Township Engineer's report, plans, Township Landscape Architect, Environmental Commission Report, Architectural Review Report and sports court specification sheet.

A. J. Garito, Engineer – sworn. It was explained that although they are asking to increase the lot coverage from 23% to 24 ½ %, the court is impervious and is made up of open plastic tiles on a base of sand and gravel designed to absorb water. A fence is not being proposed because this is going to be used more as a patio, it will be tucked behind the garage with landscaping surrounding it.

Open to the public. Someone from the audience stated that Mr. Baker's adjoining neighbor had been called and was on his way to the meeting. The Board decided to take a five minute recess and hold their executive session.

EXECUTIVE SESSION

A motion was made by Mr. Kostka to go into Executive Session to discuss matters of litigation and/or personnel seconded by Mr. Lear and unanimously carried.

NEW BUSINESS Continued:

Application #604 – Baker – Block 16, Lot5316 – 5 Old Stable Way

Application for Minor Site Plan Approval with variances to construct a 30' x 30' sports court in the rear yard of a residential property in the A-1 Zone.

After a brief recess and Executive Session the public hearing on this application was resumed. Mr. Bruno, Esq. told the Board that his applicant was amending his application to make the sports court five feet smaller eliminating the variance for a side yard setback and agreed to put in a seepage pit designed to hold 100% of the run-off generated from the sports court. Open to the public. Mel Pasternac, 7 Old Stable Way – sworn. Mr. Pasternac had not previously seen this plan and asked for a minute to review it. After a brief review he stated that he had no objection.

Motion to Deny the Application:

OFFER: Lear

SECOND: Burry

AFFIRMATIVE: Malinowski, Burry, Forester, Kostka, McGarry and Lear

NEGATIVE: Barbagallo, McBride and Robinson

DISCUSSION ITEMS:

Resolution of Intent

Resolution of Intent to Amend Fair Share Plan and Housing Element of the Township of Colts Neck

Mr. Steib explained that this resolution is required by the Master in the Township's settlement agreement with Westminster. This resolution states the Township's intention of expeditiously adopting the Fair Share and Housing Elements of the Master Plan which is the required to proceed.

Motion to Approve the Resolution:

OFFER: McBride

SECOND: Malinowski

AFFIRMATIVE: Barbagallo, Malinowski, Burry, Forester, Kostka, McBride, McGarry, Robinson and Lear

NEGATIVE: None

The next scheduled meeting date is June 8, 2004 which is also the date of the Primary Election. Town Hall is a voting location, which means we have to move the Planning Board meeting. It was decided to have the meeting at the Court House next month at 8:00 p.m.

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Kostka at 9:45 p.m. and this was seconded by Mr. Forester 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 May 11, 2004 adopted by the Planning Board of the Township of Colts Neck at its meeting held on June 8, 2004.

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