

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
JUNE 8, 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, Crossan, Kostka, McGarry, Robinson, Orgo and Lear

Absent: McBride

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

Approval of Minutes:

May 11, 2004 Minutes Approved:

OFFER: Burry

SECOND: Malinowski

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

NEGATIVE: None

RESOLUTIONS:

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

Memorialization of Resolution granting 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 Resolution:

OFFER: Malinowski

SECOND: Burry

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

NEGATIVE: None

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

Memorialization of Resolution granting 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 Resolution:

OFFER: Malinowski

SECOND: Orgo

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

NEGATIVE: None

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

Memorialization of Resolution granting 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.

Motion to Approve the Resolution:

OFFER: Malinowski

SECOND: Robinson

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

NEGATIVE: None

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

Memorialization of Resolution granting 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.

Motion to Approve the Resolution:

OFFER: Robinson

SECOND: Burry

AFFIRMATIVE: Barbagallo, Burry, McGarry, Robinson and Lear

NEGATIVE: None

Application #604 – Baker – Block 16, Lot 53.16 – 5 Old Stable Way

Memorialization of Resolution denying 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.

Motion to Approve the Resolution:

OFFER: Burry

SECOND: Lear

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

NEGATIVE: None

ADMINISTRATIVE ITEMS

None

OLD BUSINESS:

Application #615 – Aether Commercial Building – Block 46, Lot 16 – Rte 34 & Leland Rd

Application for Preliminary and Final Major Site Plan with Variances to construct an 8,860 s.f. commercial building in the B-1 Zone.

Sal Barbagallo reclused himself from this application and turned the meeting over to Mr. Malinowski. Mike Bruno, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Three new items were marked as exhibits – new conceptual plans, review letter from the Township Planner, and a color rendering of the conceptual site plan. Mr. Garito explained that in accordance with the Boards comments from the last meeting the size of the building has been reduced, the parking has been moved back five more feet from Leland Road and the parking on the north side has been moved 23’ further from Route 34. The number of parking spaces has also been reduced from 39 to 37 all making for less impervious coverage. Ed O’Neill, Architect – sworn. The building that was proposed at the previous meeting was 8,860 s.f. The building that is being proposed now is 7,600 s.f. Although this is only 1,260 s.f. smaller, the actual rentable building space is smaller and the covered porch area has increased. Medical use would not be permitted with the current parking situation.

Although the majority of the Board belived the building looked aesthetically pleasing, they still preferred the building to be parallel to Route 34. It was also the consensus that the building was still too large for the property and too many variances were being sought. The Board also wanted Shade Tree Commission to be part of the process for the landscaping, feeling that was an integral part of this plan. Open to the public with no comments.

The applicant asked to be carried to the next meeting so that they can revise the plans. This application is carried to the July 13, 2004 meeting with no further notice.

NEW BUSINESS:

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.

Tom Orgo reclused himself from this application. Diane Aifer, Esq. represented the applicant. Eight items were marked as exhibits – application, site plan, four photos, report from Township Planner, report from Township Landscape Architect, report from Township Engineer, series of four photos and letter dated June 8, 2004 from Mr. Cammaroto.

Ms. Aifer explained to the Board that when this application was originally in front of the Board for the subdivision they had not explored the idea of leaving the barn up for the daily operation of the farm. A variance is required because the barn is within 100’ of the street.

Ed O’Neill, Architect and Planner – sworn. It was his opinion that the barn acts as a visual buffer from the farm work area behind it. The barn is a block building that is structurally sound. The current developer is not the same person who subdivided the property and he feels that the impact on the surrounding neighbors would be worse if the barn were taken down. The barn is not housing or being used in conjunction with livestock in any way.

Open to the public. Peggy McCammon, 6 Blossom Hill – sworn. Ms. McCammon stated that her home is next to the farm and she loves it. She would love to see the building stay. Mr. Frank Cammaroto, 6 Yearling Path –sworn. Mr. Cammaroto stated that the building is unsightly, he sent a letter to Spatial and met with them asking if they would be willing to reside and reroof the building if it were to remain. If the concerns of the neighbors that were in this letter were met and the use of the property remained as agricultural, he would be happy to have it remain. Ms. Aifer stated that they would be willing to have the conditions of that letter as a condition of approval. Tom Orgo, 213

Heyers Mill Road – sworn. Mr. Orgo stated that he is the tenant farmer for this property and asks that it be permitted to remain. This barn is used as a gathering spot at the beginning and end of each day as well as house equipment, hay and straw. Mr. Joseph Motola, 10 Yearling Path – sworn. Mr. Motola lives directly across from the farm and believes that it should stay. There was a discussion as to which unit was being used as a dwelling, since only one dwelling unit is permitted. Ms. Aifer stated that several buildings that were being utilized for help to stay but all of the kitchens were now taken out except for the caretakers house. It is their intention to conform to the ordinance and to only have one dwelling on the farm.

The Board felt that the applicant should be proposing some type of landscaping and needed to go to the Shade Tree Commission for a review and recommendation. The applicant should also go to Architectural Review Committee with plans of how the outside of the building would be improved. The Board also wanted clarification as to which buildings will no longer house people and which structure will be designated as the one dwelling to remain. This application is carried to the July 13, 2004 meeting with no further notice.

ORDINANCE REVIEW:

Memorialization of Resolution finding that Ordinance 2004-12, An Ordinance to amend the Code of the Township of Colts Neck by Amending Chapter 102, Development Regulations to provide for the collection of Development Fees in accordance with the adopted Housing Plan Element and Fair Share Plan of the Township of Colts Neck is consistent with the Master Plan.

Motion to Recommend the Ordinance:

OFFER: Malinowski

SECOND: Kostka

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

NEGATIVE: None

Memorialization of Resolution finding that Ordinance 2004-13, An Ordinance to supplement Chapter 102 of the Revised General Ordinances of the Township of Colts Neck to set forth requirements for the Affirmative Marketing of Affordable Housing units in accordance with the Regulations of the New Jersey Council on Affordable Housing is consistent with the Township Master Plan.

Motion to Recommend the Ordinance:

OFFER: Kostka

SECOND: Malinowski

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

NEGATIVE: None

Memorialization of Resolution finding that Ordinance 2004-14, An Ordinance to supplement Chapter 102 of the Revised General Ordinances of the Township of Colts Neck setting forth requirements for the Development of Affordable Housing projects in accordance with the adopted Housing Element and Fair Share Plan of the Township of Colts Neck and Regulations of the New Jersey Council on Affordable Housing is consistent with the Township Master Plan.

Motion to Recommend the Ordinance:

OFFER: Kostka

SECOND: McGarry

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

NEGATIVE: None

Memorialization of Resolution finding that Ordinance 2004-15, An Ordinance to amend the Code of the Township of Colts Neck in the County of Monmouth and the State of New Jersey amending and supplementing Chapter 102 of the Code of the Township of Colts Neck entitled Development Regulations and more particularly Article VI subsection 41 Zoning Map is consistent with the Township Master Plan.

Motion to Recommend the Ordinance:

OFFER: Crossan

SECOND: Robinson

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

NEGATIVE: None

Memorialization of Resolution finding that Ordinance 2004-16, An Ordinance to amending Section 102-85 entitled "A-4 Mixed Housing District" of Chapter 102, Development Regulations of the Code of the Township of Colts Neck is consistent with the Master Plan.

Motion to Recommend the Ordinance:

OFFER: Malinowski

SECOND: Crossan

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

NEGATIVE: Orgo

EXECUTIVE SESSION

None

DISCUSSION ITEMS:

None

MOTION TO ADJOURN

A motion to adjourn was made by Ms. Burry at 10:25 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 June 8, 2004 adopted by the Planning Board of the Township of Colts Neck at its meeting held on July 13, 2004.

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