

**TOWNSHIP OF COLTS NECK  
PLANNING BOARD MEETING  
JUNE 13, 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, Florek, Crossan (10 minutes late), Kostka, Orgo, Robinson, Lear and Behrens  
Absent: Malinowski, Stuart and Thompson

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

**Approval of Minutes:**

May 9, 2006 Minutes Approved:

OFFER: Lear

SECOND: Orgo

AFFIRMATIVE: Barbagallo, Kostka, Orgo, Robinson, Lear and Behrens

NEGATIVE: None

**RESOLUTIONS:**

**Application PB640 – Vaccaro II – Block 48, Lot 6 – Route 34**

Memorialization of Resolution for Preliminary Major Site Plan approval with variances to construct a 6,000 s.f. office building and a 4,823.60 s.f. bank in the B-1 Zone.

Motion to Approve the Resolution:

OFFER: Robinson

SECOND: Orgo

AFFIRMATIVE: Kostka, Orgo, Robinson, Lear and Behrens

NEGATIVE: None

ABSTAIN: Barbagallo

**ADMINISTRATIVE ITEMS:**

**Freehold Regional School District – Block 43, Lot 1 – 59 Five Points Road**

Request for Capital Project Review of the Freehold Regional High School 2005-2010 Long Range Facilities Plan

There was no one in attendance to represent Freehold Regional School District.

**Application PB636 – Findel – Block 16, Lot 61.01 – 104 Cedar Drive**

Application for an Informal Review of a Minor Site Plan with Variances to retain an existing pond and site improvements.

Ed Lear and Sal Barbagallo recused themselves from this application and Mr. Barbagallo turned the meeting over to Mr. Robinson.

Sal Alfieri, Esq. represented Mr. Findel. It was explained that Mr. Findel purchased this property three years ago with the property having a temporary certificate of occupancy and he was under the impression the certificate of occupancy would be given shortly. He purchased this property with several violations that he has been trying to rectify one at a time.

Gary Dahms, his engineer, reviewed a proposed site plan which would take approximately five feet off the circumference of the pond and lower the water level. He needs DEP approval as well as Township Committee approval because there are encroachments in the conservation easement. Variances would be required to permit the lot coverage that exceeds the permissible 20% maximum.

Open to the public. Jane Langseth, 5 Brookside Drive stated she lived behind Mr. Findel since 1977 and ever since the pond was created water backs up on their property and neighbors. She felt the driveway should be cut back to reduce lot coverage and the pond should be removed and brought back to its natural state.

Mr. Carl Simone, 4 Brookside Drive also lived behind Mr. Findel. He has a nursery and numerous trees have been dieing because of the erosion caused by the stagnant water. The water level is too high.

Vince Domidion, Revolutionary Road felt the Township should safeguard the integrity of their easements. He felt the lot coverage could be lowered and the pond should be eliminated, the wetlands perform an important function and should be restored.

Glen Axelrod, 106 Cedar Drive is Mr. Findel's neighbor. Mr. Axelrod stated that most of his issues with Mr. Findel have been settled in court, however the settlement states the issues involving the pond must be settled by the Township and DEP. He felt the pond should be restored to its original state to alleviate the impact on all the neighbors.

Mr. Steib, Esq. reminded the Board that the Township Committee and the DEP will have the final say regarding the pond. The applicant is only here for feedback. The consensus of the Board is they are very concerned with the impervious coverage, they felt the water must flow in the correct direction and the impact on the neighbors must be resolved. The water table must go down and our professionals should be included in meetings with the DEP.

**Application PB599 – Illmensee Family Square – Block 48, Lot 7 – Route 34**

Request for a one year retroactive extension of time to the Preliminary and Final Major Subdivision and Major Site Plan Approval with variances. The extension will begin October 14, 2005 and expire October 14, 2006.

Sal Alfieri, Esq. represented Mr. Illmensee. Mr. Alfieri has recently been hired by Mr. Illmensee to perfect the subdivision and during this process it was discovered that an extension of time is required.

This process will be completed within a month therefore a one year extension is more than enough time.

Motion to Approve the Extension of Time:

OFFER: Crossan

SECOND: Kostka

AFFIRMATIVE: Florek, Crossan, Kostka, Orgo, Robinson, Lear and Behrens

NEGATIVE: None

ABSTAIN: Barbagallo

**Review and Recommendation to the Township Committee on Ordinance 2006-12 amending Section 102-91 “Golf Course’s”.**

Mr. Anfuso explained this is the exact same ordinance that was adopted last year. It had been challenged in court and the Judge found that the ordinance was not arbitrary or capricious. The judge did find a procedural error because the Township Committee added the words “on that day” without reintroducing the ordinance.

The Board felt the ordinance was inconsistent with the Master Plan previously and still felt the same way.

Motion to Finding Ordinance 2006-12 Inconsistent with the Master Plan:

OFFER: Crossan

SECOND: Kostka

AFFIRMATIVE: Barbagallo, Crossan, Kosta, Orgo, Robinson, Lear and Behrens

NEGATIVE: None

ABSTAIN: Florek

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Application PB641 – Country Day School – Block 48, Proposed Lot 7.02 – Route 34**

Application for Minor Site Plan approval with variances for a 45 child Day Care Center in the B-1 Zone.

Sal Alfieri, Esq. represented the applicant. Eleven items were marked as exhibits – application, site plan, narrative of operations, letter from John Ploskonka, P.E., Architectural Review report, Township Planners’ report, Landscape Architect review, Environmental Commission review, Township Engineer’s report and two color renderings.

Diana Van Pelt, applicant and A.J. Garito, Engineer both sworn. Ms. Van Pelt is wants to rent 3,500 s.f. for an educational day care center in the middle building of the Illmensee Family Square on Route 34. This is an approved shopping center with most of the site improvements already in place. They had trouble trying to fit a required outdoor play area and it is now being proposed over the septic system. Since all of the play equipment are freestanding pieces that can be moved around except for a small tricycle path, the Health Officer will allow this. The playground area is buffered from the

parking lot by shrubs and a 5' jerith fence. The Board was concerned for the safety of the children that the fence was too close to the parking lot and agreed to move it in line with the building.

The maximum students will be 45 at one time with seven staff members and herself. It is required that the parents park the car and walk the children both in and out to sign them in and out. There will not be any food preparation on site, no stove only a microwave. Board of Health approval had been given for a lesser amount of students, so they are going back to the Board of Health next week seeking approval for 45 students.

The Board was also concerned with monthly fire drills but that is something that will have to be coordinated with the Fire Marshall.

Open to the public. Vince Domidion, Revolutionary Road – sworn. Mr. Domidion asked since they were exceeding the lot coverage if they looked into any way to enhance infiltration of rain water? No, they felt it was deminimus and predominately caused by children's toys.

The Board approved this with the stipulations that approval is given from the Board of Health, Fire Prevention Bureau and Shade Tree Commission and the amount of students can not exceed 45.

**DISCUSSION:**

None

**EXECUTIVE SESSION:**

None

**MOTION TO ADJOURN**

A motion to adjourn was made by Mr. Orgo at 10:50 p.m. and this was seconded by Mr. Crossan 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 13, 2006 adopted by the Planning Board of the Township of Colts Neck at its meeting held on July 11, 2006.

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