

**TOWNSHIP OF COLTS NECK  
PLANNING BOARD MEETING  
JULY 13, 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 (arrive at 8:05 p.m.) Kostka, Robinson and Orgo

Absent: McBride, McGarry and Lear

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

**Approval of Minutes:**

June 8, 2004 Minutes Approved:

OFFER: Burry

SECOND: Malinowski

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

NEGATIVE: None

**RESOLUTIONS:**

None

**ADMINISTRATIVE ITEMS**

**Colabelli Informal Review – Block 12, Lot 29**

Informal review of a Major Subdivision with variances to subdivide the existing lot into two building lots.

Mr. Joseph Colabelli told the Board that he would like to subdivide his property in an attempt to make a bad situation go away. A subdivision had been granted several years ago and there were some issues as to who had legal authority to consent to the application. Mr. Steib advised the Board that this issue was a private matter that should be resolved in the courts. The applicant was advised that this was not the correct forum to resolve this problem and he should seek legal council.

**Application 513C – Colts Neck Golf Club – Block 17, Lots 10.61 & Block 31, Lot 1.03 - Flock Road**

A request for a determination if the one year time limit for variances pursuant to Section 102-8E applies to Planning Board site plan approval. In the alternative, the applicant is requesting two (2) one year extensions of time to the variance. The extension will be retroactive to June 11, 2003 and expire on June 11, 2005.

Peter Wersinger, Esq. represented this applicant. Mr. Wersinger withdrew his request for a determination and was only requesting the extension of time. The applicant is looking for an extension of time for the variances that were granted so that the time period would run consistent with the site plan. Although some Board members were concerned that some of the conditions of approval were not yet completed, it was clarified that the applicants time period for the site plan have not yet expired, this request is for the variances only. The majority of the Board felt that this was a reasonable request.

Motion to Approve the Extension of Time:

OFFER: Robinson

SECOND: Burry

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

NEGATIVE: Crossan

ABSTAIN: Orgo

**Application #546 – Kureti – Block 11, Lot 3 – Dutch Lane Road**

A request for two (2) one year extensions of time to the Final Major Subdivision approval. The extensions will be retroactive from March 13, 2003 and expire March 13, 2005.

Carolyn Casagrande, Esq. represented the applicant. Ms. Casagrande told the Board that the applicant understood that the ordinance has changes requiring new homes to contribute their fair share to the Township's affordable housing program and they are willing to pay this for all lots that have not yet pulled building permits. The Board required the applicant to meet with the Landscape Architect to address the landscaping requirements as well.

Motion to Approve the Extension of Time:

OFFER: Malinowski

SECOND: Burry

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

NEGATIVE: None

**Vaccaro Informal Review – Block 48, Lot 6 – Route 34**

Informal review of a Major Site Plan to construct a 27,500 s.f. shopping center in the B-1 Zone.

A.J. Garito, P.E. addressed the Board on behalf of Robert Vaccaro who is the contract purchaser of this property. The site is a 4.22 acre parcel in the Business Zone in between the Illmensee application that was approved and the Seta property. They intend to maintain and renovate the existing greenhouse and maintain and renovate an existing barn to the rear of the property and construct one other building. It is their intention to get an N.J.P.E.D.S. permit to permit food establishments. The lot coverage and FAR will conform.

The Board liked the overall plan but felt that the front building should not be a two story structure due to fact that the setback is only 30' from Route 34. A plaza should be added with sidewalks to connect to neighboring shopping centers. The Board also felt that the buildings should be relocated closer to the parallel access road to create a traditional streetscape appearance.

**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 6,600 s.f. commercial building in the B-1 Zone.

Sal Barbagallo reclused himself and turned the meeting over to Vice Chairman Rich Malinowski. Seven new items were marked as exhibits – report from Township Planner, report from Township Engineer, report from Township Landscape Architect, Concept Plan 2, mounted color board of Concept Plan 2 and mounted color elevation.

John Giunco, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Mr. Garito explained to the Board that the building has been redesigned to reduce its size to 6,600 s.f. The building has been shifted so that it is parallel with the rear lot line keeping it as far away from Route 34 as possible. The parking has been concentrated on the south side of the property. There is adequate parking for the building, however medical would not be permitted. Mr. Ed O'Neill, Architect – sworn. Mr. O'Neill explained the architecture of the building. The Board felt that this plan was a substantial improvement over the prior plans submitted. Open to the public with no comment. The Board had some discussion as to whether this building should be a one or two story building since it was so close to the highway. The architect agreed to keep these considerations in mind while designing the building. The plan submitted was a concept plan so the applicant asked for an extension of time to August 10, 2004 to design plans to present to the Board.

This application is carried to the August 10, 2004 meeting with no further notice.

**Mr. Malinowski had to leave the meeting.**

**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.

Mr. Orgo reclused himself. Diane Aifer, Esq. represented the applicant. Five new items were marked as exhibits – Environmental Commission report, Landscape Architect report, Shade Tree Commission report, Board mounted color rendering of the front, rear & side elevations and the Architectural Review report.

Ms. Aifer stated that as requested, they met with the Julie McGowan and the Architectural Review Board. It was agreed that the barn is an intrical part of the farm. Open to the public. Mr. Frank Camarata – sworn. It was his opinion that the new plans achieved the changes that was requested of the applicant. When asked which building was used as a residence, it was stated that on the filed map it will be noted that the two story dwelling is a residence.

Motion to Approve the Application:

OFFER: Crossan

SECOND: Kostka

AFFIRMATIVE: Barbagallo, Burry, Forester, Crossan, Kostka and Robinson  
NEGATIVE: None

**NEW BUSINESS:**

**Application #616 – Parmar – Block 7, Lot 4.14 – Colts Gait Lane**

Application for Minor Site Plan Approval with variances to construct a pond and tiki huts in the AG Zone.

Mr. Orgo reclused himself. Mr. Giunco, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Nine items were marked as exhibits – application, site plan, Shade Tree report, Architectural Review report, Township Planners review, Township Engineer’s report, Township Landscape Architect’s review, Fire Prevention Bureau’s review and a mounted color rendering of the cover sheet of the site plan and sheet 2 of 4.

Mr. Garito explained to the Board that the applicant has 22.4 acres and would like to construct a pond, which does not require any variances along with five separate structures. This will be an accessory use to the private residence and will not contain any sleeping quarters. Open to the public with no comments.

Mr. Lothar Erich, Landscape Architect – sworn. Mr. Erich explained the layout of the recreation area. The Board felt that due to the nature of the applications the variances were reasonable.

Motion to Approve the Application:

OFFER: Forester

SECOND: Burry

AFFIRMATIVE: Barbagallo, Burry, Forester, Crossan, Kostka and Robinson

NEGATIVE: None

**EXECUTIVE SESSION**

None

**DISCUSSION ITEMS:**

Mr. Steib, Esq. advised the Board that application PB579 Dalmazio, which was appealed by the applicants, has been upheld by the court.

**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 July 13, 2004 adopted by the Planning Board of the Township of Colts Neck at its meeting held on August 10, 2004.

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