

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
OCTOBER 11, 2005 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, Forester, Florek, Kostka, Orgo, Robinson, Thompson and Lear

Absent: Malinowski and Crossan

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

Approval of Minutes:

September 13, 2005 Minutes Approved:

OFFER: Florek

SECOND: Kostka

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

NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

Application #605 – Pebble Creek Golf Club – Block 48, Lot 20 – Route 537 East

Request for a one year extension of time the Preliminary & Final Major Site Plan with Variances. The extension of time will begin on January 13, 2006 and expire January 13, 2007.

Motion to Approve the Extension of Time:

OFFER: Orgo

SECOND: Thompson

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

NEGATIVE: None

OLD BUSINESS:

Application #625 – Vaccaro – Block 48, Lot 6 – Route 34

Application for Preliminary and Final Major Site Plan with variances to construct a 23,999 s.f. shopping center in the B-1 Zone.

Sal Barbagallo reclused himself from this application and turned the meeting over to Mayor Forester. Twelve new items were marked as exhibits – revised site plan, Township Planner’s review, Township Engineer’s review, two review letters from the Environmental Commission, two review letters from Township Landscape Architect, Board of Health review, Architectural Review comments, a color mounted landscape plan, an alternate color mounted grading plan and a mounted color grading alternative. Sal Alfieri, Esq. represented the applicant and A. J. Garito, Engineer – sworn.

Mr. Garito explained that the plans have been revised to eliminate minor variances, add buffering along the southern property line and to add plaza area and pedestrian access to the front two buildings. A few parking spaces were added, however they are still short four spaces requiring a variance. An alternate plan was shown that did not require any variances – this plan pushed the front building back and put the parking in the front. After much discussion amongst the Board, the plan with the parking in front was the preference of the majority. The Board understood that they were not seeing complete landscaping and drainage plans for the new parking lot and felt comfortable leaving those items to the professionals.

Mr. Alfieri, Esq. explained to the Board that the DEP will not allow construction to be phased pending an NJPDES permit. Therefore, they wished to amend the application to eliminate the third building. By doing this the parking variance is also eliminated. The DEP was contacted and said this would be permissible. They would be back in front of the Board in the near future with a separate application for the rear building. Mr. Steib, Esq. agreed that there were no significant planning or engineering issues by erasing the back building and that the essence of the application was the same. Open to the public with no comments.

Motion to Approve the Application:

OFFER: Kostka

SECOND: Lear

AFFIRMATIVE: Forester, Florek, Kostka, Robinson and Lear

NEGATIVE: Thompson

Application #629 – Flancbaum – Block 33, Lot 20 – Route 537

Application for Preliminary Major Subdivision approval for a five lot subdivision in the A-1 Zone.

Sal Barbagallo reclused himself from this application and turned the meeting over to Mayor Forester. Ten new items were marked – Township Planner’s review, Environmental Commission report, Board of Health review, Township Landscape Architect review, Township Engineer’s review, color mounted landscape plan, color mounted dimension plan, mounted detail sheet with entrance sign, tree location and county GIS map.

A.J. Garito, Engineer – sworn. Mr. Garito explained that geometric changes have been made. The lot lines for the rear properties were adjusted to eliminate variances. The bulb of the cul-de-sac was shortened, which created a lot frontage variance, however the Board preferred this so the home could

be built closer to the street and further out of the wetlands. The applicant withdrew his request for entrance piers/sign.

Open to the public with no comments.

Motion to Approve the Application:

OFFER: Kostka

SECOND: Orgo

AFFIRMATIVE: Forester, Florek, Kostka, Orgo, Robinson, Thompson and Lear

NEGATIVE: None

NEW BUSINESS:

Application #547A – Tsarsis – Block 16, Lot 53.18 – 9 Old Stable Way

Application for Minor Site Plan with variances to retain a sports court in the A-1 Zone.

Mr. Orgo reclused himself from this application. Seven items were marked as exhibits – application, as-built survey, Township Planner’s review, letter from the Environmental Commission, Fire Prevention Bureau report, Township Engineer’s review and the Landscape Architects report.

Gary and Michelle Tsarsis, applicants, both sworn. Mr. Tsarsis explained that in late 1999 he received site plan approval from the Planning Board to install a sports court. The court was built by Sport Court of New Jersey but they would never give them an as-built survey. Once he was contacted by Code Enforcement he had to contract a separate contractor for an as-built survey and realized the court was built in the wrong location, requiring a variance to retain.

Open to the public. Mr. Michael Bruno, Esq. represented the adjoining property owner who is most impacted by the sports court – Robert Baker. Robert Baker, 5 Old Stable Way – sworn. Mr. Baker presented an aerial photo as an exhibit that is approximately two years old that depicts the conditions as they are today. The sport court is very close to his property line and he feels that it negatively impacts his property.

The Board felt that the sport court was extremely close to the side property line and this was not something they would grant. If the builder put the court in the wrong location the applicant should go after the builder to remedy the situation, this was not a variance they were willing to grant.

Motion to Deny the Application:

OFFER: Kostka

SECOND: Florek

AFFIRMATIVE: Barbagallo, Forester, Florek, Kostka, Robinson, Thompson and Lear

NEGATIVE: None

Application #627 – Mancini – Block 26.06, Lots 3 & 3.01

Application for a Preliminary & Final Major Subdivision approval for a lot line adjustment in the A-1 Zone.

Gary Fox, Esq. represented the applicant. Mr. Fox requested this application be carried to the November meeting. Mr. Steib, Esq. confirmed that proper notice had been given and the Board had jurisdiction. This application is carried to the November 1, 2005 meeting with no further notice.

DISCUSSION:

None

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Lear at 9:45 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 October 11, 2005 adopted by the Planning Board of the Township of Colts Neck at its meeting held on November 1, 2005.

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