

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
OCTOBER 14, 2008 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, Forester, Crossan (10 minutes late), Kostka, Orgo (15 minutes late), Robinson, Thompson, Lear and Eastman

Absent: Hennessy

Also Present: Timothy Anfuso, P.P., Lou Lobosco, P.E. (Conflict Engineer), William Hoover, Engineer, Mike Steib, Esq., and Ruth Leininger

Approval of Minutes:

September 9, 2008 Minutes Approved:

OFFER: Malinowski

SECOND: Kostka

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

NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

Review Ordinance 2008-15 regarding Tree Removal

Mr. Anfuso told the Board the Township Committee has introduced this ordinance and it only impacts site plans and subdivisions. The Master Plan does not have any recommendations on this subject however the goals of the Master Plan are to preserve environmentally sensitive features and wooded areas.

Motion that Ordinance 2008-15 is Consistent with the Master Plan:

OFFER: Kostka

SECOND: Malinowski

AFFIRMATIVE: Barbagallo, Malinowski, Forester, Crossan, Kostka, Orgo, Robinson, Thompson and Lear

NEGATIVE: None

OLD BUSINESS:

Application PB624A – Matzel - Block 39, Lot 6.02 – 105 Galloping Hill Road

Application for a Deviation to Minor Site Plan Approval with Variances to increase the garage height and reconfigure the ponds in the AG Zone.

William Wolf, Esq. represented the applicant. Mr. Wolf stated he listened to meeting tapes from the original application in 2005 and brought the landscape plan exhibit that was marked A-11. Greg Matzel, applicant – sworn. Mr. Matzel stated the original plan was drawn without the engineer having the architect plans and things were shown slightly different. Mr. Matzel also stated it was his intent to put the property into Farmland Preservation however he was told the tillable acreage was not eligible. After speaking with members of the Colts Neck’s Farmland Preservation Committee he now plans on submitting a joint application with the Township. The pond is complete and the standpipe is acceptable per the Fire Marshall. Extensive landscaping has been put in and numerous trees have been saved to date. Mr. Matzel said the property is fenced on three out of the four sides but he was not willing to fence around the pond. Open to the public with no comments.

The Board was concerned that the original application shows a different size garage and pond. Mr. Steib, Esq. reminded the Board that they must weigh the positive and negative reasons for granting a variance. In the original application the Board found that due to the aesthetic reasons and the secluded atmosphere of this site there were no adverse impact on the public good, is there any substantial difference?

Some members who visited the site stated the garage is built in a lower portion of the property and you can not notice the difference in height. The Board felt that due to the size of the property along with the natural buffering the variance was diminimis. The Board requested the applicant install a 12’ x 20’ area with grasscrete pavers around the standpipe.

Motion to Approve the Application:

OFFER: Crossan

SECOND: Malinowski

AFFIRMATIVE: Barbagallo, Malinowski, Forester, Crossan, Kostka, Robinson and Eastman

NEGATIVE: None

NEW BUSINESS:

Application PB670 – New York SMSA Limited Partnership - Block 13, Lot 49 – Crine Rd

Application for Minor Site Plan Approval to install a generator at the existing telecommunications facility in the A-1 Zone.

Warren Stillwell, Esq. represented the applicant. Fourteen items were marked as exhibits – letter from Mr. Stillwell, application, site plan memo, partnership disclosure statement, site agreement, grant, review from Township Planner, Board of Health comments, Architectural Review comments, Fire Prevention Bureau comments, Landscape Architect comments, Township Engineer’s review and site map and plan.

Peter Longo, Engineer – sworn. Mr. Longo explained that a board on board fence exists within the legs of the existing tower. Within the fence they will install a backup generator. The generator is diesel and operates within the permitted noise levels. The generator will be tested once a week for approximately half an hour. The closest property line is approximately 60’ away with natural vegetation growing but they are willing to meet with the Shade Tree Commission and come up with a better plan for buffering.

Open to the public. Rosemary Harris, 7 Westminster – sworn. Ms. Harris stated she has lived in her home for 23 years and attended all of the hearings for this original application. The tower is not in a remote location, it is in a residential location. Having to listen to the generator being tested every week is not fair to the residents. Is there a generator at every cell tower in town, there are towers in much more remote locations? Virginia Cornette, 13 Westminster – sworn. Ms. Cornette said she felt Colts Neck forgot about the residents on Westminster and Wellington – it is bad enough they got stuck with a tower, now they want to add a generator that will run every week. Colts Neck should stand behind the homeowner.

Mr. Longo explained they will run the generator typically during the day on a weekday to test it. The FCC has adopted Katrina Regulations to maintain emergency communication stating every site should have eight hours of emergency operation. This is not mandated as of yet, however Verizon strongly agrees and is installing generators at all of their sites.

The Board members sympathized with the residents and questioned if all of the carriers would be asking to install a generator, potentially have three at this site. Mr. Stillwell stated he could not speak for the other carriers but he would inquire if they would be interested in sharing a generator. Some Board members also questioned the necessity of tower site and asked Mr. Stillwell to check if it was still required.

Mr. Stillwell agreed to find out information the Board requested and asked the application to be carried to the next meeting, granting an extension of time to November 30, 2008. This application is carried to November 13, 2008 with no further notice.

DISCUSSION:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Kostka at 10:10 p.m. and this was seconded by Mr. Malinowski 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 14, 2008 adopted by the Planning Board of the Township of Colts Neck at its meeting held on November 13, 2008.

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