

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
OCTOBER 14, 2003 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: Crossan, Barbagallo, Hennessy, Burry, Kostka, Malinowski, McGarry, Robinson, Sauter, Orgo (arrived at 8:45 p.m.) and Lear

Absent: None

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

Chairman Crossan announced that in order to expedite the meeting he would change around the agenda.

RESOLUTIONS:

Application #PB493 – Zito – Block 47, Lot 13 – 32 Leland Road

Memorialization of Resolution granting a second 1-year extension of time to the Final Major Site Plan Approval with Variances. The extension will be retroactive from May 8, 2003 and expire May 8, 2004.

Motion to Approve the Resolution

OFFER: Malinowski

SECOND: Barbagallo

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

NEGATIVE: None

Application #PB554 – Fulling Mills Estates – Block 8, Lots 6 & 6.01 – Conover Road

Memorialization of Resolution granting a two 1-year extensions of time to the Final Major Subdivision Approval. The extensions will be retroactive from January 9, 2003 and expire January 9, 2005.

Motion to Approve the Resolution

OFFER: Malinowski

SECOND: Burry

AFFIRMATIVE: Burry, Malinowski, Robinson and Lear

NEGATIVE: None

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

Memorialization Resolution granting Preliminary & Final Major Subdivision and Preliminary and Final Major Site Plan Approval with Variances to construct a 19,150 SF commercial (retail/office) development in the B-1 Zone.

Motion to Approve the Resolution

OFFER: Malinowski

SECOND: Burry

AFFIRMATIVE: Hennessy, Burry, Kostka, Malinowski, McGarry, Robinson and Lear

NEGATIVE: None

Application #PB601 – Colts Neck Creations – Block 46, Lot 11 – County Route 537

Memorialization of Resolution granting Preliminary & Final Major Site Plan Approval with Variances to convert the Honey Shop into a specialty furniture store in the B-3 Zone.

Motion to Approve the Resolution

OFFER: Barbagallo

SECOND: Lear

AFFIRMATIVE: Barbagallo, Hennessy, McGarry, Robinson and Lear

NEGATIVE: None

Application #PB32B – Shadow Isle Golf Club – Block 46, Lots 1/1, 1.50, 1.51 & 1.52 – Professional Circle

Memorialization of Resolution granting a Deviation to Preliminary Major Site Plan Approval, Deviation to Final Major Site Plan Approval – Phase I and Preliminary and Final Major Site Plan Approval with Variances.

Motion to Approve the Resolution

OFFER: Hennessy

SECOND: Robinson

AFFIRMATIVE: Crossan, Barbagallo, Hennessy, Kostka, Robinson and Lear

NEGATIVE: None

OLD BUSINESS:

Application #PB590 – St. Mary’s Church – Block 19, Lot 18 – Route 34 & Phalanx Road

Remanded application for Preliminary and Final Major Site Plan Approval, Conditional Use Permit and Variances to construct an addition to the existing place of worship in the AG Zone.

Mr. Steib, Esq. explained to the Board that this application previously had several hearings in front of the Board and the Board denied the application. The applicant filed an appeal and went to a pretrial conference. In the mean time the applicant revised the plans and to address the concerns of the Board expressed in denying the original application. A hold was put on the pretrial so that the Board could review the revised plans in Executive Session. The Board determined that there were substantial changes to the plans, that remand hearing was acceptable. The court issued a consent order remanding the application back to the Board for additional public hearings.

Board members Barbagallo, Hennessy, Kostka, Robinson, Sauter and Lear recused themselves from this application. Zoning Board member Bruce Bennett was brought in to accomplish a quorum.

Vince Maltese, Esq. represented the applicant. Mr. Maltese told the Board that the applicant took a hard look at the plans and with the previous comments from the Board they substantially revised the plans and hoped they were acceptable. Five new items were marked as exhibits – Township Engineer’s report dated August 8, 2003, Landscape Architect report dated August 10, 2003, Township Planner’s report dated August 9, 2003, Preliminary Site Plan revised August 29, 2003 and a color rendering of the landscape plan.

A.J. Garito, Engineer – sworn. Mr. Garito reviewed the major changes that were made. The parking was moved closer to the church and more green was placed by Route 34 and Phalanx Road. The parking lot was reconfigured keeping all of the parking closer and tighter to the church. The new parking lot will consist of a 187 space paved parking lot with 97 unpaved overflow stalls being provided. The additions are slightly less, reducing the variance for coverage, previously they asked for 21.3% and now they are requesting 19%. The other variance being requested is to permit a freestanding sign of 60 s.f. where 12 s.f. is permitted.

The applicant will work with the Engineer, Planner and Shade Tree Commission to meet their satisfaction. Mr. Gerken requested a phasing plan showing how the construction will be done while keeping the church functioning, Mr. Garito agreed to provide this. Mr. Garito also stated that the Family Life Center would be constructed at a separate time.

Open to the public. Mr. Kent Sweeney, 108 Route 34 North - sworn. Mr. Sweeny stated that he lived across the street from the church and where they were proposing the egress drive. He was concerned if DOT approval was given and if any signage would be posted. Mr. Garito stated that they would apply to NJDOT and signage would be posted. Annette Raynor, 5 Victorian Way – sworn. Ms. Raynor stated that she teaches CCD at the church and it is very overcrowded. It was her hope that this would be approved so that the project could move forward as soon as possible. Mr. Tom Russell, 33 Horseshoe Court – sworn. Mr. Russell asked if the size of the sign was the same that was requested in the previous hearings? Yes, and it is the same size that currently exists, which will be removed. The height and setbacks of the new sign comply, it is only the size that requires a variance. Heather Kostka, 75 Blackbriar Drive – sworn. Mrs. Kostka stated that she had many concerns with the previous plan that she had expressed. She is very pleased with the revisions that have been made and endorses this plan.

The Board felt that the applicant addressed all of their previous concerns.

Motion to Approve the Application

OFFER: Burry

SECOND: Malinowski

AFFIRMATIVE: Crossan, Burry, Malinowski, McGarry and Bennett

NEGATIVE: None

NEW BUSINESS:

None

Approval of Minutes:

September 9, 2003 Minutes Approved as Amended:

OFFER: Kostka

SECOND: Malinowski

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

NEGATIVE: None

September 30, 2003 Minutes Approved:

OFFER: Kostka

SECOND: Robinson

AFFIRMATIVE: Crossan, Barbagallo, Hennessy, Kostka, Robinson and Lear

NEGATIVE: None

ADMINISTRATIVE:

Application PB573 – Levin/Meyer – Block 33, Lots 16 & 18 – Route 537

Application for a one-year extension of time to the Minor Subdivision and Minor Site Plan with Variances granted on April 8, 2003. The extension will begin on October 15, 2003 and expire on October 15, 2004.

Brian Carpy, Esq. represented the applicant. It was explained that the applicant was going through a divorce proceeding which was delaying the finalizing of the subdivision.

Motion to Grant an Extension of Time:

OFFER: Malinowski

SECOND: Burry

AFFIRMATIVE: Crossan, Barbagallo, Hennessy, Burry, Kostka, Malinowski, McGarry, Robinson and Sauter

NEGATIVE: None

Application PB539B – Lunvan – Block 53, Lot 20 – Hockhockson Road

Application for a one-year extension of time to the Final Major Subdivision Approval granted on November 12, 2003. The extension will begin on November 11, 2003 and expire on November 11, 2004.

Sanford Brown, Esq. represented the applicant. Mr. Brown, Esq. explained to the Board that this application was for a five lot subdivision which will have four residential lots. Due to the challenges in the market all of the lots have not been sold as of yet, thus they requested the extension.

Mr. Anfuso made the Board aware that the zoning had changed in the A-1 Cluster zone. When this application was approved the maximum principal coverage that was permitted for a two-story home was 6.6% and now is 6%. Mr. Gerken advised the Board that the base course for the road, drainage and rough grading had all been completed. The Board felt that the difference of what is now allowable was not substantial and that it would be a hardship for the applicant to change his marketing at this point.

Motion to Grant an Extension of Time:

OFFER: Malinowski

SECOND: Burry

AFFIRMATIVE: Crossan, Barbagallo, Burry, Kostka, Malinowski, McGarry, Robinson and Sauter

NEGATIVE: Hennessy

EXECUTIVE SESSION

A motion was made by Mr. Kostka to go into Executive Session to discuss matters of litigation and/or personnel seconded by Mr. Malinowski and unanimously carried.

The Board authorized Mr. Steib, Esq. to draft a resolution stating the Planning Board's approval of a settlement with Westminster to be adopted at the next Planning Board meeting.

Motion to Direct a Draft Resolution:

OFFER: Kostka

SECOND: Burry

AFFIRMATIVE: Crossan, Barbagallo, Hennessy, Burry, Kostka, Malinowski, McGarry, Robinson and Sauter

NEGATIVE: None

ADJOURN

A motion to adjourn was made by Mr. Kostka at 9:20 p.m. and this was seconded by Mr. Orgo 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, 2003 adopted by the Planning Board of the Township of Colts Neck at its meeting held on November 18, 2003.

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

