

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
NOVEMBER 20, 2007 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, Stuart (30 minutes late), Hennessy, Kostka, Orgo, Robinson, Lear and Eastman

Absent: Crossan and Thompson

Also Present: Timothy Anfusio, P.P., Doug Freiberger, Esq., and Ruth Leininger

Approval of Minutes:

October 9, 2007 Minutes Approved:

OFFER: Lear

SECOND: Kostka

AFFIRMATIVE: Barbagallo, Kostka, Robinson, Lear and Eastman

NEGATIVE: None

RESOLUTIONS:

Application PB645 – Stavola – Block 53.01, Lot 6 – Obre Road

Memorialization of Resolution granting approval for an additional 60 day extension of time to the approved two lot Minor Subdivision. The extension of time will begin September 2, 2007 and expire November 1, 2007.

Motion to Memorialize the Resolution:

OFFER: Robinson

SECOND: Lear

AFFIRMATIVE: Barbagallo, Kostka, Robinson and Lear

NEGATIVE: None

Application PB617 – Colts Neck Building Association/Manor Homes – Block 22, Lots 11, 12, 13 & 14 – Route 537 West

Memorialization of Resolution granting approval for second one year extension of time to the Preliminary and Final Major Site Plan Approval with variance. The extension of time will begin on November 9, 2007 and expire November 9, 2008.

Motion to Memorialize the Resolution:

OFFER: Robinson

SECOND: Lear

AFFIRMATIVE: Barbagallo, Kostka, Robinson, Lear and Eastman

NEGATIVE: None

Application PB647A – Gerhard – Block 51, Lot 2.21 – 2 Deputy Minister Drive

Memorialization of a Resolution granting a Deviation to the Minor Site Plan Approval and variance to permit an eight foot tennis court fence where ten feet is required.

Motion to Memorialize the Resolution:

OFFER: Robinson

SECOND: Lear

AFFIRMATIVE: Barbagallo, Kostka, Robinson, Lear and Eastman

NEGATIVE: None

OLD BUSINESS:

None

NEW BUSINESS:

Application PB656 – Galeros – Block 16, Lot 12 – 16 Shawnee Court

Application for a two lot Minor Subdivision with variances in the A-1 Zone.

Walter Toto, Esq. represented the applicant. Seventeen items were marked as exhibits – application, environmental study, two sets of minor subdivision plans, three review letters from the Township Engineer, discussion sheet, two review letters from the Township Planner, review from the Landscape Architect, review from the Shade Tree Commission, review from the Fire Prevention Bureau, review from the Architectural Review Commission, review from the Environmental Commission, color rendering of the subdivision plan and a discussion plan.

Charles Carley, Planner/Engineer – sworn. Mr. Carley explained the property is a 5.4 acre parcel with one existing home on the property. They could extend Shawnee court 200' and create two conforming lots. This would necessitate the existing home to be demolished and in his opinion make public improvements unnecessarily. He felt it was a better planning alternative to request the variances and not extend the street which would also preserve the existing home.

Open to the public. Kathy Haufbauer, 2 Shawnee Court – sworn. Ms. Haufbauer questioned the difference between lot frontage and lot width. Mr. Anfuso explained lot frontage is the distance measured along the street and lot width is measured back at the front yard setback line. Judy Laufer, 6 Greenhill Road – sworn. Ms. Laufer asked if the existing house is conforming? The house itself is conforming, however the lot does not conform in frontage and the pool is considered in the front yard which is not conforming.

The Board was more inclined to approve the subdivision granting the variances and not extending the street. However the Board did not like a shared driveway and felt that more screening of the pool and adjoining property owners should be added. The applicant requested time to meet with the Shade Tree Commission and amend their plans. This application is carried to the January 8, 2007 meeting with no further notice.

Application PB658 – Brock – Block 31.01, Lot 7 – Route 34

Application for Preliminary and Final Major Site Plan with Variances to construct a 14,258 s.f. mixed retail/office building in the B-1 Zone.

Peter LaFrance, Esq. represented the applicant. Thirteen items were marked as exhibits – application, preliminary site plan, architectural plans, description of operations, schematic of sign, Township Planner’s review, Architectural Review Committee comments, Landscape Architect comments, two review letters from the Environmental Commission, Township Engineer’s comments, a color rendering from the original approval and a color rendering of the new landscape plan.

A.J. Garito, Engineer – sworn. Mr. Garito explained in 2003 this Board approved a two story commercial building with 85 parking spaces and a connection to the adjoining bank and both shopping centers. Mr. Brock felt it would be more cost effective for him to build a one story building with 72 parking spaces. The layout of the parking lot provides for interconnecting if the neighboring properties agree in the future, however at this time they can not get anything in writing from them. The plan also provides for access to Route 34 from a different location if the State widens Route 34. The Board thought the applicant could tie into the neighboring bank driveway, however the applicant felt it was important for the building to have its own driveway.

Jack Purvis, Architect – sworn. Mr. Purvis reviewed the design of the building stating it has a covered walkway around two sides of the building which are both considered fronts of the building. The building is at an angle, following the power lines that run through the property. Open to the public. Ann Rippla, 25 Heyers Mill Road – sworn. Ms. Rippla requested the dumpster be moved farther away from the residential homes on New Street and closer to Merchants Way because of the noise that is caused when they are emptied early in the mornings. Mike Friedauer, 20 Heyers Mill Road – sworn. Mr. Friedauer was also concerned with the dumpster location. Mr. Garito stated the dumpster could be moved approximately 130’ farther away. Grace Bertone, Esq. representing JCP&L. Ms. Bertone stated the dumpster can not be placed under the wires. It is the intention of JCP&L to put a structure in their right of way in the near future. They wanted Colts Neck to be put on notice that they have intentions to put a structure in the easement and their objection to this application on record. Ms Bertone stated that “this is probably not the right forum to have a dispute with Mr. Brock over the easement rights. But we don’t want to be precluded or in any way have an argument made against us

that we waived our rights by not objecting this evening, so that's what were doing." I don't expect a resolution to this tonight. Hopefully we can work with Mr. LaFrance and Mr. Brock to resolve the issue. It is a serious problem for JCP&L.

The Board was concerned with Ms. Bertone's comments and how this would effect the application. Mr. Freiburger told the Board that they deal with the land use law and it was the applicant's responsibility to deal with their easements that are not a municipal issue.

The Board stipulated their approval stating the applicant must sign a hold harmless to the town regarding their easement, relocate the dumpster, have colonial lights, deed restrict the property that no medical is permitted, utilities must go underground, the applicant will sign a Title 39, a signage plan will be provided to the Planner/Engineer, the applicant will attempt an interconnection with adjoining properties, the rear of the building will be architecturally enhanced and the provision for the interconnection of the driveway will be provided.

Motion to Approve the Application:

OFFER: Malinowski

SECOND: Stuart

AFFIRMATIVE: Barbagallo, Malinowski, Stuart, Hennessy, Orgo, Robinson and Lear

NEGATIVE: Kostka and Eastman

ADMINISTRATIVE ITEMS:

Public Hearing on the Farmland Element of the Master Plan

Mr. Anfuso briefly reviewed the draft Farmland Element of the Master Plan that he has written and it was opened for public comment.

Carol Barkley told the Board there has been four generations of Barkely's farming in Colts Neck. He felt the town should have some type of long term plan to encourage farmers to invest in farming long term. It is increasingly difficult to lease property to farm each year, possibly the town would want to own property to lease to farmers.

George Fessler said he read the entire document and thought it was very well written.

Mr. Malinowski spoke on behalf of the Farmland Preservation Committee. The committee thought a vision statement should be added; otherwise they thought it was excellent.

Mr. Anfuso told the Board he will make amendments and have the plan ready for submission to the SADC in December.

DISCUSSION:

None

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Malinowski at 10:15 p.m. and this was seconded by Mr. Stuart 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 November 20, 2007 adopted by the Planning Board of the Township of Colts Neck at its meeting held on December 11, 2007.

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