

**TOWNSHIP OF COLTS NECK  
PLANNING BOARD MEETING  
NOVEMBER 13, 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, Hennessy, Forester, Kostka, Orgo, Thompson and Eastman

Absent: Crossan, Robinson and Lear

Also Present: Timothy Anfusio, P.P., Joe May, P.E., Doug Freiburger, Esq., and Ruth Leininger

**Approval of Minutes:**

October 14, 2008 Minutes Approved:

OFFER: Forester

SECOND: Malinowski

AFFIRMATIVE: Barbagallo, Malinowski, Forester, Kostka, Orgo, Thompson and Eastman

NEGATIVE: None

**RESOLUTIONS:**

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

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

Motion to Memorialize the Resolution:

OFFER: Malinowski

SECOND: Kostka

AFFIRMATIVE: Barbagallo, Malinowski, Forester, Kostka and Eastman

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**Master Plan Public Hearing**

Mr. Anfuso gave a brief overview to all in attendance. Under COAH’s Third Round Rules each municipality must submit a fair share plan by December 31<sup>st</sup> stating how they can meet their COAH obligation. Mr. Anfuso reviewed the proposed compliance plan and how the town will provide 67 affordable units by 2018 which is shown on the chart below. If the town does not submit a reasonable plan by December 31<sup>st</sup> we would be subject to a lawsuit like what happened with Westminster.

**ROUND 3 FAIR SHARE PLAN  
TOWNSHIP OF COLTS NECK**

<b>I. Obligation Projection (per COAH 2004-2018)</b>		<b>Total</b>	<b>Affordable Units</b>		
a.	Residential (Units)	279	56		
b.	Non-Residential (Jobs)	166	10		
<b>Total</b>		<b>N/A</b>	<b>67</b>		

  

<b>II. Potential Development - Round 3</b>		<b>Total Units</b>	<b>Affordable Units</b>	<b>Rental Bonus Units**</b>	<b>Rental Obligation Units*</b>
a.	Growth Share Ordinance	20	20	0	0
b.	Accessory Apartment Program	10	10	0	10
c.	Colts Neck Inn Hotel Redevelopment Site	8	8	1	7
d.	Meridian Academy School Redevelopment Site	10	10	10	0
e.	Municipally Sponsored Sites / Group Home / Write-Down-Buy-Down	4	4	4	0
<b>Total</b>		<b>52</b>	<b>52</b>	<b>15</b>	<b>17</b>

*Notes:*

\* Rental Obligation = 17 units - Rental obligation is 25% of affordable obligation (25% of 67 = 17 units) per 5:97-3.12(b) 2.

Family Rental Obligation = 9 units (At least 50% of rental obligation must be family rentals) 50% of 67 = 9 units

Senior Rental Maximum = 4 units (No greater than 25% of the rental obligation can be senior rentals) 25% of 67 = 4 units

\*\* Rental bonus is for number of units beyond rental obligation

<b>III. Summary</b>		<b>Units</b>
a.	Projected Development	<b>52</b>
b.	Projected Rental Bonus	<b>15</b>
<b>Total</b>		<b>67</b>

Open to the public. Is Colts Neck fighting COAH? Yes we have joined other municipalities. How will sewerage be handled? The developer will be responsible. Residents from New Street stated it was

disconcerting that a large portion is in one area which is the center of the town. Mr. Friedauer, Highway 34 told the Board to keep fighting, the Township has always done a great job. Closed to the public.

Motion to Approve and Memorialize the Amended Housing Element & Fair Share Plan:

OFFER: Kostka

SECOND: Thompson

AFFIRMATIVE: Barbagallo, Malinowski, Forester, Kostka, Orgo, Thompson and Eastman

NEGATIVE: None

### **Review Ordinance 2008-17, Growth Share Ordinance**

Mr. Anfuso told the Board the Township Committee has introduced Ordinance 2008-17 which is consistent with COAH's Third Round Rules. This recommendation is contained in the Fair Share Element of the Master Plan therefore, it is consistent with the Master Plan.

Motion that Ordinance 2008-17 is Consistent with the Master Plan:

OFFER: Kostka

SECOND: Malinowski

AFFIRMATIVE: Barbagallo, Malinowski, Forester, Kostka, Orgo, Thompson and Eastman

NEGATIVE: None

### **OLD 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.

One new item was marked as an exhibit – Township's Landscape Architect review dated October 17, 2008. Warren Stillwell, Esq. represented the applicant. Mr. Stillwell stated they would agree to a condition of approval stating if they can enter into an acceptable agreement with AT&T they could also use their generator.

Greg Moore, Verizon Construction Engineer – sworn. Mr. Moore stated he was at the site yesterday at 3 p.m. and it was running at 80% capacity functioning at a high level, proving this is a required site.

Peter Longo, Engineer – sworn. Mr. Longo stated he met with the Township's Landscape Architect. GPU requires any vegetation under the power lines can not grow higher than 3' and anything surrounding can not be higher than 15'. They have developed a plan, but still await GPU's approval. They will satisfy the requirements of the Township's Landscape Architect. The Board's Engineer stated the gravel drive is partially overgrown and requested the installations of pavers. Mr. Longo did not see the need for pavers but the applicant agreed to cut out the grass if required.

Open to the public. Alan Davis, 3 Wellington Court – sworn. Mr. Davis said he lives in front of the site and was very concerned with the safety. He stated the vehicles are always driving around the

fence, when they do unlock the fence it stays open for weeks at a time and vehicles never have any type of identification. The landscaping has never been completed from the original application and he felt diesel engines should be serviced monthly, not weekly. Mr. More stated Mr. Davis should feel free to call the police if anyone is driving around the fence or acting suspicious.

Rosemary Harris, 7 Westminster – sworn. How many towers are in residential areas? Two. Ms. Harris stated she did research and hydrogen cells could be used for backup with no emissions or noise. The applicant did not think the technology is advanced enough to rely on and it would be space prohibitive.

Virginia Cornette, 13 Westminster – sworn. Please think out of the box, would it be possible to condition your approval if it is too noisy to take it away? No. Will the generator power anything else? No only the wireless facility.

Motion to Deny the Application:

OFFER: Orgo

SECOND: Thompson

AFFIRMATIVE: Orgo, Thompson and Eastman

NEGATIVE: Barbagallo, Malinowski, Forester and Kostka

Three affirmative and four negative votes, the motion did not pass.

The Board felt with the condition that if they are able to get an agreement with ATT&T to allow them to share the generator they would approve the application.

Motion to Approve the Application:

OFFER: Kostka

SECOND: Malinowski

AFFIRMATIVE: Barbagallo, Malinowski, Forester, Kostka and Thompson

NEGATIVE: Orgo and Eastman

**NEW BUSINESS:**

None

**DISCUSSION:**

None

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion to adjourn was made by Mr. Malinowski at 10:00 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 November 13, 2008 adopted by the Planning Board of the Township of Colts Neck at its meeting held on December 9, 2008.

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