

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
DECEMBER 9, 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 and Lear

Absent: McGarry, Robinson, Sauter and Orgo

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

Approval of Minutes:

November 18, 2003 Minutes Approved:

OFFER: Barbagallo

SECOND: Lear

AFFIRMATIVE: Crossan, Barbagallo, Hennessy, Burry, Kostka, Malinowski and Lear

NEGATIVE: None

RESOLUTIONS:

Application #PB525A – Folio – Block 48, Lot 44 – Route 34

Memorialization of Resolution granting a Deviation to the Final Major Site Plan Approval to amend Condition 9 of the Resolution to allow 3,678 s.f. of medical office in the rear building.

Motion to Approve the Resolution

OFFER: Barbagallo

SECOND: Lear

AFFIRMATIVE: Crossan, Barbagallo and Lear

NEGATIVE: None

OLD BUSINESS:

None

NEW BUSINESS:

Application #PB596B – Blackburn/Spatial Design, LLC – Block 35, Lots 1.01 & 1.03 – Phalanx and Laird Roads

Application for Final Major Subdivision approval to create seven residential lots in the A-1 zone.

Diane Aifer, Esq. represented the applicant. Six items were marked as exhibits – application, Final Plat plans, report from Township Planner, report from Township Engineer, report from Architectural Review Committee and color rendering of Final Plat.

Ms. Aifer explained that the applicant had received Preliminary approval in August and they were now requesting final approval. They agreed to meet all conditions in the Engineer and Planner reports. They have applied to Freehold Soil and have received a verbal approval, but have not received anything in writing as of yet. Mr. Robert O’Neill, applicant – sworn. Mr. O’Neill agreed that the existing Wide Horizon’s Drive would be photographed before construction begins and if any damage is done it will be overlaid.

Motion to Approve the Application

OFFER: Barbagallo

SECOND: Lear

AFFIRMATIVE: Crossan, Barbagallo and Lear

NEGATIVE: None

Application #PB605 – Pebble Creek @ Colts Neck – Block 48, Lot 20 – Route 537

Application for Preliminary and Final Major Site Plan Approval with Variances. The applicant proposes to construct a 2,400 s.f. multi-purpose room/snack room addition to the existing clubhouse.

Mr. Barbagallo recused himself from this application. Wayne Peck, Esq. represented the applicant. Eleven items were marked as exhibits – application, Preliminary & Final Site Plan, architectural elevations, report from Planner, report from Engineer, report from Environmental Commission, report from Landscape Architect, report from Architectural Review Committee, report from Board of Health, report from Fire Prevention Bureau and report from Shade Tree Commission. Mr. Peck explained that for eight seasons Pebble Creek has had a snack bar on an existing patio. During the summer a tent is erected to protect the patrons of the golf course from the weather. There is no kitchen, only a hot dog wheel is used and cold sandwiches are served. The applicant would like to enclose this area with a permanent structure that will only be used for golf related activities and the use will be exactly as it is today except instead of having a tent it would be enclosed.

John Vincenti, P.E. – sworn. Mr. Vincenti explained that there were no major changes to the site plan. There would be a 50’ x 47’ addition on top of the existing basement, which is where the current cart storage is. The existing porch will be converted to a bathroom and one large multipurpose room. It will be just large enough to accommodate a full round of golfers for one day. There will not be a stove only a station where prepared food can be purchased.

Open to the public – Carmella DeGennaro – sworn. Mrs. DeGennaro was concerned with the parking situation. She felt that more parking should be provided. It was also her opinion that an NJPEDES permit should be applied for. Mr. Vincenti refuted this stating that the intensity would not change, the same number of patrons would be at the site. Board of Health gave their approval for this application. Mr. Glen Moschella, Twin Lakes Drive – sworn. Mr. Moschella stated that he lived directly behind

this proposed site and the Golf Course has been a great neighbor. He was concerned with PA systems or DJ's at night. The applicant stated that they had no problem with a condition restricting PA systems.

It was clarified that the current hours of operation which are 6 a.m. to 10 p.m. will not change. A condition of the approval is that the usage of the addition must conform to the Planner's letter in that the room will be used for golf related uses (tournaments) and will not be used for private parties, banquets, conferences, weddings, business meetings, restaurant or other non-golf related purposes.

Motion to Approve the Application:

OFFER: Hennessy

SECOND: Lear

AFFIRMATIVE: Crossan, Hennessy, Burry, Kostka, Malinowski and Lear

NEGATIVE: None

Application #PB609 – Green – Block 46, Lot 10 and part of Lot 9 – 45 West Route 537

Application for Site Plan Waiver. The applicant proposes to convert the existing Clock Shop into an Italian Ice Store on the first floor and a business office on the second story.

Cliff Green, applicant – sworn. Seven items were marked as exhibits – the application, Environmental Commission report, Planners report, Engineers report, Landscape Architect report, Shade Tree Commission report and Architectural Review Committee report.

Mrs. Burry reclused herself from this application. Mr. Green told the Board that he has purchased the existing Clock Shop and is seeking a Site Plan Waiver to build a walkway to the front of the store to make it handicap accessible. There are a few shrubs that will have to be removed that he will replace. He stated that he would not make any changes to the exterior of the building or signage. It is his intent to have an office on the second story and an Italian Ice store on the first floor, both permitted uses.

The Board talked about having access between the recent Colts Neck Creation application site and this site. Mr. Green stated that his only concern was cars driving through the property and the safety of the patrons, which will mostly be children. Mr. Green also clarified that there would not be any tables and chairs outside and no food would be made on the premises. Open to the public. Mr. Stokes, Colts Neck Creations – sworn. Mr. Stokes stated that he would be willing to look into a cross easement with Mr. Green. Laura Kolonsky wanted it clarified that an Italian Ice store is a permitted use –yes it is in this zone.

Mr. Steib, Esq. reminded the Board that the applicant was in front of them for a waiver. If the Board felt that the changes/modifications were minor in nature it would be appropriate to grant approval. If the Board felt that they wanted to impose certain conditions of approval then this application for a waiver would have to be denied and the applicant would have to come back in for a Minor Site Plan.

The Board felt that the change in use and new handicapped ramp/porch required Minor Site Plan Approval and that consideration should also be given to pedestrian and vehicle circulation, availability of off-street parking and fencing as part of the site plan application.

Motion to Deny the Application

OFFER: Barbagallo

SECOND: Lear

AFFIRMATIVE: Crossan, Barbagallo, Hennessy, Kostka, Malinowski and Lear
NEGATIVE: None

Application #PB607 – Due Process Golf & Horse Stables, LLC – Block 51, Lot 2 – Route 537

Application for Minor Site Plan Approval. The applicant is proposing a 498 s.f. addition to the existing kitchen.

John Giunco, Esq. represented the applicant. Nine items were marked as exhibits – Planners report, Engineers report, application, description of operations, Environmental Commission report, Fire Prevention report, Architectural Review report, Shade Tree Commission report and a two sided photoboard with a color rendering of the site plan and four photos.

Mr. Giunco explained to the Board that they were seeking approval to expand the existing kitchen by only 500 s.f. The location of the addition is currently covered by asphalt and the property is 225 acres. The golf course has 87 current members with the maximum of 150. They will not use this area for catering or as a banquet facility, they simply want to have enough room for their chefs to cook for the members.

A.J. Garito, Engineer – sworn. Mr. Garito stated that this is a Type A Golf Course and it will continue as a private golf club. The applicant only wishes to have more room to update and enlarge the kitchen for the chefs. No new seats will be added to the dining room, it will not change. Open to the public with no comments.

Motion to Approve the Application

OFFER: Barbagallo

SECOND: Lear

AFFIRMATIVE: Crossan, Barbagallo, Burry, Hennessy, Kostka, Malinowski and Lear

NEGATIVE: None

Mr. Giunco then asked the Board if they would allow the Building Department to do their construction reviews prior to the site plan being signed to expedite the process. The Board felt that as long as no building permits were issued this would be permissible and directed Mr. Anfuso to send the Building Department a letter indicating this.

ADMINISTRATIVE ITEMS:

Chairmen appointment of Nominating Committee for Year 2004 Reorganization

Chairman Crossan appointed a nominating committee consisting of Rich Malinowski, Dave Kostka and Ed Lear with Rich Malinowski chairing the committee.

Review and Recommendation to the Township Committee on the ordinance establishing Section 102-85.2, A-6 Residential Zone

Mr. Steib, Esq. reminded the Board that establishing an ordinance to rezone the Township was the next step in settling the lawsuit with Westminster. The Board must first review the proposed ordinance and find that it is consistent with the Master Plan before the Township Committee can act on it.

The Board found the proposed ordinance consistent with the Master Plan and recommended approval by the Township Committee with no additional recommendations.

Motion of consistency and recommendation:

OFFER: Barbagallo

SECOND: Kostka

AFFIRMATIVE: Crossan, Barbagallo, Hennessy, Burry, Kostka, Malinowski and Lear

NEGATIVE: None

Review and Recommendation to the Township Committee on the ordinance amending Section 102-4 definitions of building height, basements and cellars.

The Board discussed the proposed ordinance and felt the methodology was a bit too restrictive. After amending, the Board found the proposed ordinance consistent with the Master Plan and recommended approval by the Township Committee if the reference to a maximum of 5' of fill was excluded from the ordinance.

Motion of consistency and recommendation:

OFFER: Kostka

SECOND: Malinowski

AFFIRMATIVE: Crossan, Barbagallo, Hennessy, Burry, Kostka, Malinowski and Lear

NEGATIVE: None

Review 2004 Meeting dates. Approval January Reorganization meeting.

The Board agreed that the date of the reorganization and regularly scheduled meeting would be held on Tuesday, January 13, 2004.

Mayor Hennessy addressed the Board.

Mayor Hennessy told the Board that this meeting would end his two year tenor with the Planning Board. He stated that he gained a vast amount of knowledge being a part of the Planning Board and gave credit to all for helping him. He thanked the professionals for all of their guidance, leadership and time that they put in and those that he appointed he enjoyed there independent thinking and input.

EXECUTIVE SESSION

None

ADJOURN

A motion to adjourn was made by Mr. Malinowski at 10:20 p.m. and this was seconded by Mr. Barbagallo 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 December 9, 2003 adopted by the Planning Board of the Township of Colts Neck at its meeting held on January 13, 2004.

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