

**TOWNSHIP OF COLTS NECK  
PLANNING BOARD MEETING  
MAY 8, 2012 MINUTES**

Mr. Robinson 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: Robinson, Powell, Engel, Orgo, Hennessy, Kostka, Singer-Fitzpatrick and Lutkewitte

Absent: Corsi, Crossan and Malinowski

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

**Approval of Minutes:**

April 10, 2012 Minutes Approved:

OFFER: Powell

SECOND: Orgo

AFFIRMATIVE: Robinson, Powell, Orgo, Hennessy and Singer-Fitzpatrick

NEGATIVE: None

**RESOLUTIONS:**

**PB672 – Trump National Golf Club – Block 46, Lot 1.52 – One Trump National Blvd.**

Memorialization of Resolution granting two one-year extensions of time to the approved Preliminary and Final Major Site Plan Approval memorialized on February 10, 2009. The extensions will begin February 10, 2011 and expire February 10, 2013.

Motion to Memorialize the Resolution:

OFFER: Hennessy

SECOND: Powell

AFFIRMATIVE: Robinson, Powell, Orgo, Hennessy and Singer-Fitzpatrick

NEGATIVE: None

**PB700 – Matzel – Block 39, Lot 6.02 – 105 Galloping Hill Road**

Memorialization of Resolution granting Preliminary and Final Major Subdivision Approval with Variance for a three lot subdivision consisting of 2 lot size averaging lots and 1 farmette in the AG Zone.

It was noted that Shade Tree Commission did not approve the plan yet. The resolution was amended to state they must get there approval.

Motion to Memorialize the Resolution As Amended:

OFFER: Hennessy

SECOND: Orgo

AFFIRMATIVE: Robinson, Powell, Orgo, Hennessy and Singer-Fitzpatrick

NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**PB680 – Trump – Block 46, Lot 1.52 – One Trump Boulevard**

Application for a one year extension of time to the approved Preliminary and Final Major Site Plan. The extension of time will begin December 8, 2011 and expire December 8, 2012.

Mr. Alfieri, Esq. stated they are still awaiting some approvals from the DEP before they can proceed. Mr. Anfusio concurred and stated it was his understanding the approvals should be received shortly.

Motion Approve the Extensions of Time:

OFFER: Kostka

SECOND: Orgo

AFFIRMATIVE: Robinson, Powell, Engel, Orgo, Hennessy, Kostka, Singer-Fitzpatrick and Lutkewitte

NEGATIVE: None

**PB674 – McMahon – Block 7.02, Lots 34.01 and 34.13 – 32 Clover Hill Road**

Application for a one year extension of time to the Preliminary Major Subdivision approval with variances. The extension of time will begin May 14, 2012 and expire May 14, 2013.

Mr. Alfieri, Esq. stated the property owners live and actively farm the property and do not plan to develop it in the near future. The subdivision was done for estate planning purposes and when they decide to come in for final approvals they will have all outside agency approvals in place.

Motion Approve the Extensions of Time:

OFFER: Kostka

SECOND: Hennessy

AFFIRMATIVE: Robinson, Powell, Engel, Orgo, Hennessy, Kostka, Singer-Fitzpatrick and Lutkewitte

NEGATIVE: None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**PB694A – Sebolt – Block 7.30, Lot 6 – 7 Windsor Place**

Application for Deviation to Minor Subdivision Approval to modify the conservation easement boundary as well as the agricultural/no disturbance line within the conservation easement.

Sal Alfieri, Esq. represented the applicant. Thirteen items were marked as exhibits – application, Environmental Assessment, amended plat, Planner’s review letter, Environmental Commission’s comments, Engineer’s Review letter, Landscape Architect’s comments, color mounted plat plan, original plat plan mounted, color Development Plat Comparison Plan, color Development Plan Comparison Plan sheet 1 of 2, six mounted photo’s with 3 Mr. Sebolt took and the back has six photos – all remaining photos taken by Mr. Garito.

Mr. Alfieri explained the Board granted this subdivision in June 2011. There was an area that was put into a conservation easement that the applicant cleared thus the subdivision can not be perfected. They are in front of the Board requesting a Deviation to that Approval to remedy the situation.

A.J. Garito, Engineer – sworn. Mr. Garito explained this was a two lot subdivision where each lot had approximately 20 acres. The existing house is part of the lot that fronts on Windsor Drive and the other vacant lot fronts on Homelands Drive. The house was built prior to the riparian buffer regulation but when the property was subdivided a conservation easement was put on both properties. Mr. Sebolt would like to modify the conservation easement to remove 1.78 acres around the driveway, utility lines and rear yard from the easement. This would allow an amenity such as a pool or pool house to be placed in this area.

Also, inside the conservation easement Special Condition No. 5 of the Resolution of approval established an agricultural/horticultural area as well as a no disturbance/woodland management area that Mr. Sebolt is proposing to transfer 3.37 acres from the no disturbance/woodland management area to the agricultural/horticultural area consisting of two areas. This first area consists of 1.13 acres and is located along the southerly property boundary and is not a change to the actual woodlands but is a more accurate survey of the woodland line. The second area is 2.24 acres and is located along the easterly property line. This area was cleared in July 2011 but only nursery stock was removed. These areas would remain in a conservation area where no construction could happen but active agriculture would be permitted. Open to the public. Mr. Lang, East Larchmont asked if approved what could happen? Mr. Anfuso stated by the area near the home would permit accessory structures such as a pool, shed, etc. but the area to the east only agriculture would be permitted. Glen Axelrod, Cedar Drive asked if there was a better place to put a pool? Mr. Garito did not think so. Vince Domidion, Revolutionary Road asked the purpose of the DEP permit by rule designation. Mr. Garito stated it was to protect high environmentally sensitive areas. Could the area designated for a pool be reduced? Yes.

Jennifer Axelrod, Cedar Drive asked if a flood study was done for the pond? No. Mike Stivala, Paddock Lane asked if the DEP would allow a pool house as well? Yes.

Rick Sebolt, applicant – sworn. Mr. Sebolt confirmed he took the top three picture on exhibit A-12 approximately a month ago. He stated the trees were planted 25 – 30 years ago but were never harvested so he removed about 150 trees. His plan is to till the ground and plant hay and continue to have some type of agriculture. As far as the property near his home, he would like to someday put in a pool and possibly a pool house with a bathroom which would require a septic. Open to the public. Barbara Lang, Larchmont Drive asked what kind of agriculture? Some type of nursery/ farm activity. Vince Domidion, Revolutionary Drive asked if he had a Woodland Management Plan? No, he consulted a woodland farmer and was told a plan was not required. Jennifer Axelrod asked the name of the farmer? Mr. Sebolt said he did not remember. Glen Axelrod asked if he knew the size pool or pool house he was considering? Possibly a 20' x 40' pool and a 20' x 20' pool house. Mr. Anfuso clarified a woodland management plan was required from the original application so the applicant could continue his agricultural activities. The way this is done is by hiring a forester who makes the woodland management plan and it gets submitted to the DEP for approval. Once it is approved the forester will come out every few years and they will tag whatever can be removed.

Open to the public. Jennifer Axelrod, Cedar Drive – sworn. Ms. Axelrod stated she was concerned with the vagueness from the applicant. We have stewardship of land and we must protect our watershed. John D'Aloia, 8 Larchmont – sworn. Mr. D'Aloia stated he has been speaking to the Code Enforcement Officer because the applicant's son is running a pool business from this property. Mr. D'Aloia had three photos that were marked as exhibits. Glen Axelrod, Cedar Drive – sworn. Mr. Axelrod stated he was concerned about the environment. Where is the property when this property owner is gone; it should be left in a condition that is right. Barbara Long, 16 East Larchmont – sworn. Ms. Long stated they lived here for 40 years and is proud of the feeling of the town. Ordinances protect the values of property and the feeling of town and they hope the Board will uphold the ordinances. Cindy Burnham, Little Silver – sworn. Ms. Burnham stated she is the applicant's sister and owns the neighboring vacant property. This property has been in their family for 75 years and they have always tried to maintain the property and do the right thing.

The applicant asked to address the concerns of the Board and come back next month. Mr. Alfieri, Esq. granted an extension of time to July 31, 2012. This application is carried to the June 12, 2012 meeting with no further notice.

**PB702 – Gana – Block 5, Lot 13 – 14 Eagle Nest Road**

Application for Minor Site Plan Approval to install a sports court in the A-1 Zone.

Fifteen items were marked as exhibits – application, minor site plan, two review letters from Engineer, Planner's review letter, Board of Health comments, Shade Tree Commission comments, Landscape Architect's comments, Architectural Review Committee's comments, Fire Prevention Bureau's comments, Environmental Commission's Review letter, color mounted sheet 1 of 2, mounted blowup of tax map sheet 6.08, photoboard with six photos and a conceptual drawing of the pergola.

Rose and Jorge Gana were in attendance and asked for A.J. Garito to speak on their behalf. Mr. Garito explained the property is 6.16 acres in the A-1 Zone with only a single family dwelling on the property. The site plan shows a proposed location for a pool the applicant would like to install at a future time. The applicant is requesting a 60' x 120' tennis court with a ten foot fence, landscaping and drainage for any runoff. The tennis court itself does not require a variance, however the Gana's would like to construct an open pergola on the court for some shelter and this requires a variance because of building separation. No lights are being proposed.

Open to the public with no comments. The Board felt the tennis court was in a good location.

Motion to Approve the Application:

OFFER: Orgo

SECOND: Powell

AFFIRMATIVE: Robinson, Powell, Engel, Orgo, Hennessy, Kostka, Singer-Fitzpatrick and Lutkewitte

NEGATIVE: None

**PB703 – Orchards Shopping Center – Block 46, Lots 13 and 14 – 340 Route 34**

Application for Preliminary and Final Major Site Plan Approval with variance to add five new parking stalls as well as to retain two stalls that were installed without proper municipal approvals.

Due to the hour this application was not heard. This application was carried to the June 12, 2012 meeting with no further notice.

**DISCUSSION:**

Committeeman Orgo asked the Board to consider changing the time of the Planning Board meeting to 7:30 p.m. instead of 8:00 p.m consistent with the Township Committee meetings. The Chairman decided to bring it to a vote.

Motion to Change the Meeting Time:

OFFER: Orgo

SECOND: Hennessy

AFFIRMATIVE: Robinson, Engel, Orgo, Hennessy, Singer-Fitzpatrick and Lutkewitte

NEGATIVE: Powell and Kostka

The time of the Planning Board meetings will change to 7:30 p.m. starting with the July meeting because application PB694A, Sebolt was previously announced that it was carried to the June meeting.

**MOTION TO ADJOURN**

A motion to adjourn was made by Mr. Kostka at 10:45 p.m. and this was seconded by Mr. Hennessy 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 May 8, 2012 adopted by the Planning Board of the Township of Colts Neck at its meeting held on June 12, 2012.

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