

**TOWNSHIP OF COLTS NECK  
PLANNING BOARD MEETING  
APRIL 9, 2013 MINUTES**

Mr. Powell 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: Powell, Crossan (15 minutes late), Fitzgerald, Orgo, Corsi, Kostka, Leccese, Lutkewitte and Robinson  
Absent: Lisa Singer-Fitzpatrick  
Also Present: Timothy Anfuso, P.P., Patrick Jeffery, P.E., Julie McGowan, C.L.A., Mike Steib, Esq. and Ruth Leininger

**Approval of Minutes:**

March 12, 2012 Minutes Approved:

OFFER: Robinson

SECOND: Orgo

AFFIRMATIVE: Powell, Fitzgerald, Orgo, Corsi, Kostka, Leccese, Lutkewitte and Robinson

NEGATIVE: None

**RESOLUTIONS:**

None

**ADMINISTRATIVE ITEMS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**PB709 – Colts Neck Golf Club – Block 17, Lot 10.16 & Block 31, Lot 1.03 – 50 Flock Road**

Application for Minor Site Plan Approval for a deviation to Special Condition No. 8 of the Resolution granting Preliminary and Final Major Site Plan Approval memorialized on April 10, 2012 to replace the black vinyl wire from the post and rail fence on Flock Road and 45 juniper plantings with a midblock crosswalk over Flock Road and to construct a 237 s.f. golf bag storage room in the AG Zone.

Mr. Steib, Esq. reminded the Board the applicant had a defect in their notice last month and had to renote several property owners. This was done and the Board now has jurisdiction over the application. The Board received a letter from the applicant's attorney requesting this application be carried to the May meeting. This application is carried to the May 14, 2013 meeting with no further notice.

The Board also received two proposals from Traffic Engineer's; T & M Associates was \$3,999. and a revised proposal from Maser Consulting for \$5,000. The Board thought the proposal from Maser was more in-keeping with what they were looking for and the Engineer identified had more experience in analyzing mid-block crosswalks. It was stipulated that Maser was not to start any work until escrow funds are received from the applicant.

Motion to appoint and memorialize Maser Consulting as a Traffic Engineer

OFFER: Orgo

SECOND: Crossan

PRESENT: Powell, Crossan, Fitzgerald, Orgo, Corsi, Kostka, Leccese, Lutkewitt and Robinson

NEGATIVE: None

**PB707 – Garber – Block 29, Lots 9.02 & 10.05 – 2 Blue Bell Road**

Application for a Minor Site Plan and Minor Subdivision Approval with Variances in the AG Zone. Minor Subdivision approval is required for a lot line adjustment following the lot size averaging provisions in the AG Zone and Minor Site Plan Approval is required to retain a basketball court that was constructed without proper municipal approvals.

Eleven items were marked as exhibits – application, survey, boundary survey, minor site plan, elevation and floor plans, floor plans, Planner's review letter, Engineer's review letter, Board of Health comments with supplemental review, Environmental Commission's comments and Architectural Review Committee's comments.

Jennifer Krimko, Esq. represented the applicant. Ms. Krimko reminded the Board this application has been going on for quite a while but this application eliminates the need for a lot coverage variance. William Kurtz, Engineer – sworn. Mr. Kurtz explained they are requesting a subdivision using the lot size averaging provision of the ordinance which will create a 3.82 acre parcel and a 16.18 acre lot, each retaining one dwelling and variances will only be required for setbacks of the basketball court, Stable A, Stable B and existing shed #1. The outdoor lighting will be removed from the basketball court and

they will comply with all septic requirements and Animal Waste Management regulations. Open to the public for questions.

The Board had questions that Ms. Krimko said their Planner would have to answer. The Planner was not able to attend this evening but will be in attendance at the May meeting. The Board also requested both Mr. and Mrs. Garber be in attendance to answer any questions they had.

Jerry Lemega, Architect – sworn. Mr. Lemega stated Stable A was built with permits however when they added the 2<sup>nd</sup> floor and converted it to a dwelling they did not have permits. Stable B is a seven stall stable with storage and living quarters. Mr. Lemega had a plan showing how this could be converted to a conforming structure. Open to the public – Vince Scanelli, Fremont Lane asked the size of Stable B. The first floor is 1,283 s.f. and the second floor is 373 s.f.

The applicant was not prepared to present any further testimony, asked for the application to be carried and granted an extension of time to July 31, 2013. The Board reminded Ms. Krimko that they expected Mr. and Mrs. Garber at the next meeting to answer questions and requested photos of the property for their review. This application is carried to the May 14, 2013 meeting with no further notice.

**PB704B – Mauro – Block 10, Lots 2 & 2.01 – 46 Cross Road**

Application for a Deviation to the Preliminary and Final Major Subdivision Approval to allow the area between the 300' riparian buffer and freshwater wetland buffer in the conservation easement to be mowed and landscaped on Lots 2.08, 2.09 and 2.10 in the AG Zone.

Mr. Orgo recused himself from the application. Nineteen items were marked as exhibits – application, final subdivision plat, real estate contract for 16 New Street, real estate contract for 96 Five Points Road, two reports from the Engineer, two reports from the Planner, resolution for Preliminary Approval, Shade Tree Commission's report, two reports from the Environmental Commission, Fire Marshall's comments, color rendering of approved plan, color rendering of proposed plan, color rendering of landscape plan and six color photos mounted.

Mitchell Jacobs, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Mr. Garito reminded the Board they received Preliminary and Final Subdivision approval for this nine lot subdivision a few months ago. There is a riparian zone and 300' buffer that regulates some of the properties. They are requesting that an area between the 300' riparian buffer and freshwater wetland buffer that is in the conservation easement be allowed to be mowed and landscaped as it is today. The DEP would allow a pool to be constructed within a riparian buffer but since that buffer is in a conservation easement our ordinance does not allow a homeowner to do anything to that property. They would keep the property as part of the conservation easement, they are just asking for the ability to maintain it.

Several Board members did not see the justification to permit this and felt if this was requested during the original subdivision it may have been designed differently. There was concern that future homeowners will encroach into the easement because it would not be clearly delineated. Other

members did not feel this was an onerous use and would enable a property owner to utilize and have a more aesthetically pleasing property.

Open to the public. Rosalie Bennett, applicant – sworn. Ms. Bennett stated her family has owned this property since 1974 and has constantly been praised for the beautiful vista. They are just trying to retain the appearance that has existed for over 30 years. John Orrico, sworn. Mr. Orrico stated the building envelope for each property was large enough for accessory structures and future homeowners have no need to request putting anything into the easement.

The Board approved the application subject to 1.) relocating the split rail fence from the conservation easement boundary to the freshwater wetland buffer boundary, 2.) planting trees to visually delineate the conservation easement boundary where the easement intersects the property lines, and 3.) the applicant shall work with the Township Landscape Architect to install selective plantings in the portion of the conservation easement that can be mowed.

Motion to approve the application:

OFFER: Crossan

SECOND: Robinson

AFFIRMATIVE: Powell, Crossan, Corsi, Leccese and Robinson

NEGATIVE: Fitzgerald, Kostka and Lutkewitte

**DISCUSSION:**

None

**MOTION TO ADJOURN**

A motion to adjourn was made by Mr. Robinson at 9:30 p.m. and this was seconded by Mr. Corsi 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 April 9, 2013 adopted by the Planning Board of the Township of Colts Neck at its meeting held on May 14, 2013.

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