

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
SEPTEMBER 11, 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, Orgo, Corsi, Crossan (late), Kostka, Singer-Fitzpatrick and Lutkewitte

Absent: Engel and Hennessy

Also Present: Timothy Anfuso, P.P., Mike Steib, Esq. and Ruth Leininger

After the flag salute Chairman Robinson asked all to remain standing for a moment of silence in remembrance of those who lost their lives on September 11, 2001.

Approval of Minutes:

July 10, 2012 Minutes Approved:

OFFER: Powell

SECOND: Orgo

AFFIRMATIVE: Robinson, Powell, Orgo and Singer-Fitzpatrick

NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

None

OLD BUSINESS:

None

NEW BUSINESS:

PB704 – Mauro – Block 10, Lots 2 & 2.01 – 46 Cross Road

Application for Preliminary Major Subdivision with variances for a nine lot subdivision consisting of seven residential lots, two farm lots and two off-site affordable housing lots following the lot size averaging and growth share provisions of the AG Zone.

Tom Orgo recused himself from the application. Fourteen items were marked as exhibits – survey, sketch plat, preliminary major subdivision plans, application, review letter from Engineer, review letter from Planner, Environmental Commission Report, Fire Marshall’s review, Board of Health comments, Architectural Review Committee’s comments, Landscape Architect’s comments, Shade Tree Commission’s comments, photoboard with seven photos, tax map and aerial photo on the front and on the back a color rendering of the landscape plan and five photos.

Sal Alfieri, Esq. represented the applicant. A.J. Garito, Engineer – sworn. Mr. Garito explained this property, known as Big M Ranch, consists of two lots totaling 58.48 acres. They are proposing one 30 acre farm lot and seven residential lots that will be approximately two acres and serviced by a new street from Cross Road. The existing driveway will continue as the new road that is lined with large maple trees that they would like to keep. In order to keep the trees they are proposing the road to be 22’ in width. There is a brook that runs along the side of the property with a 300’ riparian zone which will be preserved in conservation easements. The soils have been tested , they are all suitable for septic systems and the site has also been tested for pesticides which came back clean. The applicant would like to have a separate entrance to the farm from Cross Road but this will require approval to allow a driveway through the landscape easement. Mr. Garito said they would minimize the fill as much as possible. Mr. Anfuso stated the grading and tree save plan should be revised prior to granting preliminary approval and prior to final approval the applicant should state the location of the two off-site affordable housing units.

Mr. Crossan arrived at 8:50 p.m. The Board wants to be assured the Fire Marshall will approve a 22’ wide road. Julie McGowan was concerned that the existing trees would not survive and suggested planting a row of trees 20’ behind the current trees. The Board did not like the idea of a new road entering from Cross Road to access the farm. Open to the public. Tom Orgo, Heyers Mill Road – sworn. Mr. Orgo stated he was the farmer for this property and the reason they asked for a new road was so he could drive his equipment in and out without disrupting the traffic for the new homes. Vince Domidion, Revolutionary Road said the majority of the environmentally sensitive areas are where the homes are being proposed, why don’t they switch it so it is in the large farm parcel? Mr. Garito explained that in order to save the large maple trees the existing layout of the property combined with the driveway location dictated the proposed layout and the new homes will not be disturbing the sensitive areas. Robert Howe, 11 Partridge Way was concerned with the aesthetics and would like the

trees to remain. He would like to have a buffer because of the construction which could go on for quite a while.

The applicant requested to carry the application to next month and they will revise the plans to address the concern that were raised this evening. This application is carried to the October 9, 2012 meeting with no further notice.

The Board took a five minute recess.

PB706 – Sebolt – Block 7.30, Lot 6 – 17 Windsor Place

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

Sal Alfieri, Esq. represented the applicant. Thirteen items were marked as exhibits – application, minor subdivision plat, Township Planner’s review, Township Engineer’s review, Landscape Architect’s review, two review letters from Health Officer, Environmental Commission’s comments, two Fire Marshall’s review letters, a photoboard with seven photos, an aerial photo and tax map, a photoboard with four photos and color subdivision plat and a conforming subdivision.

Mr. Steib, Esq. reviewed a memorandum that he wrote dated September 11, 2012 where he addresses the report from the Landscape Architect. In the report it is noted that a large amount of trees were removed in 2011 and Section 102-80.1A states that no application for subdivision approval may be submitted where clear cutting of trees occurred within five years preceding the application. Mr. Steib’s opinion was that the Ordinance in question, as applied in this instance, may constitute an illegal and unenforceable moratorium contrary to the requirements of N.J.S.A. 40:55D-90. Mr. Steib’s opinion was that the Planning Board does not have the authority to decline to hear the application based upon Section 102-80.1A of the Ordinance as it would constitute the imposition of an unauthorized moratorium on the development of the property. The Board felt this should be brought to the attention of the Township Committee to amend the Ordinance so the intent can be enforced.

Mr. Alfieri, Esq. told the Board this is an application they previously approved however there were conditions that they were not able to full with 190 days thus the application was not perfected. A. J. Garito, Engineer – sworn. Mr. Garito explained this is a 41.8 acre parcel that has a pond and one house. They are proposing on 21.2 acre parcel that will access from Windsor Place and one 20.6 acre parcel that will access from Homelands Drive. If the applicant were to construct two new roads terminating in cul-de-sacs no variances would be required; the variances that are needed are because these lots do not front on a public street. The applicant feels this application is better planning.

On the lot with the existing home the applicant is proposing to exclude the house, shed, driveway and utilities as well as a proposed inground pool and cabana from the conservation easement. Any new structures that will be built will also need DEP approval. The property will remain in active agriculture and no tree removal is proposed. The proposed location for the pool and cabana is the best location. Any other structures in the future would require Township Committee approval. Open to the public. Vince Domidion asked if the 300’ riparian buffer was required by DEP and the conservation easement is required by local ordinances? Yes. How far is the cabana from the rear

property line? Approximately 100'. Charles Tommolino, East Larchmont Drive asked what woodland management is. It is an agricultural practice where a forester prepares a plan to selectively clear and remove trees in a forest. The purpose is to generate an agricultural output while simultaneously promoting new growth and a healthy forest. Is there any clearing against the homes on East Larchmont? There is no proposed clearing within 75' of the property line however a future homeowner could clear trees without any restrictions. To prevent these trees from being removed the applicant agreed to a 50' landscape easement to buffer the homes along East Larchmont. Bill Lang, East Larchmont – sworn. Mr. Lang stated he lives right behind the proposed pool and requested the applicant move the pool closer to the pond and further away from the property lines and also asked if the Board would consider limiting the size of the pool house. The applicant is proposing the pool approximately 100' from the property line where 50' is permitted and felt that was amicable. Vince Domidion, Revolutionary Road – sworn. Mr. Domidion felt the Board's priority should be the sensitivity of the property and that the applicant did not present good reasons for disturbing sensitive land. Mr. Garito stated that the DEP could deny their application if they felt there was any adverse effect.

The Board stipulated the barns can not exceed 2,000 s.f. as shown on the plans and the conservation easement will follow the 300' buffer. The existing improvements can stay and the cabana, pool and two barns as shown on the plans are approved. Lot 1 has two preservation areas and the remainder will stay in active agriculture. The area that is not wooded on Lot 2 will remain as active agriculture with only woodland management being allowed in wooded areas and a 50' landscape buffer along the property line that abuts the homes on East Larchmont Drive will be provided. There is not an exact location for the barns but they must be constructed within a 150' radius from the location shown on the plans.

Motion to Approve the Application:

OFFER: Kostka

SECOND: Orgo

AFFIRMATIVE: Robinson, Powell, Orgo, Corsi, Crossan, Kostka, Singer-Fitzpatrick and Lutkewitte

NEGATIVE: None

DISCUSSION:

None

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Powell at 10:35 p.m. and this was seconded by Mr. Crossan 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 September 11, 2012 adopted by the Planning Board of the Township of Colts Neck at its meeting held on October 9, 2012.

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