

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
SEPTEMBER 13, 2011 MINUTES**

Mr. Kostka 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: Kostka, Robinson, Schatzle, Engel, Corsi, Malinowski, Orgo, Powell, Singer-Fitzpatrick

Absent: Crossan and Hennessy

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

Approval of Minutes:

August 9, 2011 Minutes Approved:

OFFER: Orgo

SECOND: Robinson

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

NEGATIVE: None

RESOLUTIONS:

PB696 – St. Mary’s Solar Farm/Phalanx Association – Block 19, Lot 18 – Phalanx Road

Memorialization of Resolution granting Minor Site Plan approval to install ground mounted solar panels in the AG Zone.

Motion to Memorialize the Resolution:

OFFER: Engel

SECOND: Burry

AFFIRMATIVE: Engel and Burry

NEGATIVE: None

ADMINISTRATIVE ITEMS:

PB673A – Spencer – Block 31, Lot 19 – Route 34

Request for a one year extension of time to the approved Preliminary and Final Major subdivision. The extension of time will begin August 11, 2011 and expire August 11, 2012.

Mr. Anfuso told the Board the applicant has been steadily working on fulfilling the conditions of approval but some items such as the cross access and drainage easements have taken a long time. The applicant is close but not complete yet. The Board was satisfied the applicant was moving forward.

Motion Ordinance to Approve the Extension of Time:

OFFER: Orgo

SECOND: Corsi

AFFIRMATIVE: Kostka, Robinson, Schatzle, Engel, Corsi, Malinowski, Orgo, Powell and Singer-Fitzpatrick

NEGATIVE: None

The Chairman announced a new procedure he is implementing as of this meeting. The applicant will make their presentation and then the meeting will be open to the public. The experts will give their comments and the Board will discuss the application amongst themselves. The applicant will have one final opportunity for rebuttal and then they will sit down while the Board has their final discussion and vote. The applicant must submit a detailed report in sufficient time so the professionals can write their reports.

OLD BUSINESS:

None

NEW BUSINESS:

PB688 – Overbrook Farm Estates – Block 50, Lots 4, 17 & 23 – Hockhockson Road

Application for Preliminary Major Subdivision approval with variances to create 13 ten acre farmette lots, 10 lot size averaging lots and 9 rental affordable housing growth share lots for a total of 32 lots in the AG Zone.

The applicant requested this application be carried to the October meeting. This application is carried to the October 11, 2011 meeting with no further notice. If the application is substantially changing the application the applicant will renote.

PB695 – DeSave – Block 7, Lots 7.01 & 7.11 – Crine Road

Application for Preliminary and Final Major Subdivision with Variances to reconfigure the existing lot line in the AG Zone.

Fourteen items were marked as exhibits – application, preliminary and final major subdivision plans, preliminary and final major subdivision map, review letter from Engineer, review letter from Planner, review letter from Environmental Commission, comments from Architectural Review Committee,

Board of Health comments, Shade Tree Commission comments, Landscape Architect's comments, Fire Marshall's comments, mounted tax map of sheet 3, mounted color rendering of sheets 3 and 4 and six photos mounted.

Jeff Ferrier, Esq. represented the applicant. Mr. Ferrier, Esq. told the Board this is an application for two existing lots to change the lot line but the size of the two lots will remain the same.

A.J. Garito, Engineer – sworn. In 2001 this property was subdivide into two lots. Mr. DeSaye planned on removing the home that was existing (which he has done) and building a new home and using the remaining property for his horses. The DEP has new regulations in place that restrict where he can place the home and barn, which is the reason he would like to change the lot lines. They are proposing to add approximately 5½ acres into a conservation easement but is requesting permission to maintain as active agriculture and wants to be able to put a barn in that area if the DEP gives permission. This would allow the property to function in a much better way. Open to the public with no comments.

Michael DeSaye, applicant – sworn. Mr. DeSaye told the Board his intent when he purchased this property was to have a horse farm. He wanted to build a barn but he was not able to meet the 100' setback from the lot line. As the lots are now, he is not able to use the back property. Open to the public with no comments.

The Board wanted to see the footprint of the barn that was being proposed before considering granting any approvals. The Board also had concern regarding permitting a barn in an easement and felt the lot line could possibly be changed to keep the barn out of the easement.

The applicant requested the application be carried to the October meeting so they can get the plans for the barn and possibly reconfigure the lot line. This application is carried to the October 11, 2011 meeting with no further notice.

PB681A – Garber – Block 29, Lots 9.02 & 10.05 – Blue Bell Road

Application for Minor Site Plan with Variances in the AG Zone. Time to October 25, 2011

Mayor Schatzle and Tom Orgo both recused themselves from this application. Fourteen items were marked as exhibits – application, site plan, Engineer's report, Planner's report, Environmental Commission comments, Architectural Review Committee's comments, Fire Prevention Bureau comments, Board of Health comments, Landscape Architect's comments, survey of property dated 9/02, architectural plans, proposed stable "A", county aerial dated 9/02 and current aerial photo.

Jennifer Krimko, Esq. represented the applicant. Ms. Krimko reminded the Board they were in front of them several months ago for site plan approval and seeking variances for lot coverage. In an effort to abate the situation the applicant purchased the adjoining property with a single family home and would like to use the property as one parcel. They would like to keep the two lots and two structures and deed restrict both properties to eliminate the lot coverage issue.

Bill Kurtz, Engineer – sworn. Mr. Kurtz stated the light will be removed around the basketball court and they will add landscaping between the basketball court and Blue Bell to screen the view.

Jerry Lemege, Architect – sworn. Mr. Lemege explained a firewall will be installed to make the apartment into a conforming size.

Andrew Janiw, Planner – sworn. Mr. Janiw stated the Master Plan encourages equestrian use and speaks of the difficulty to maintain. The property is oddly configured and makes it difficult to conform to setbacks. Although the barn still needs a variance for the setbacks they will landscape it to buffer the adjoining property that is a farm. By locking in the total lot coverage of the two lots and deed restricting both lots they would be under in lot coverage. They will satisfy the Landscape Architect in regard to landscaping and the Animal Waste Management Plan as well.

Mr. Anfuso clarified the applicant is entitled to farm labor housing, but only one. The Board thought the property was beautiful; however they were very concerned with the concept of deed restricting the two lots and did not think it was a good precedent to set and did not believe that limiting Lot 9.02 to 4.65% represented good planning since it could not be developed in a uniform manor as compared to the remaining of the neighborhood.

Motion to Deny Application:

OFFER: Robinson

SECOND: Corsi

AFFIRMATIVE: Kostka, Robinson, Engel, Corsi, Malinowski

NEGATIVE: Singer-Fitzpatrick

DISCUSSION:

None

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Robinson at 10:10 p.m. and this was seconded by Mr. Malinowski 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 13, 2011 adopted by the Planning Board of the Township of Colts Neck at its meeting held on October 11, 2011.

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