

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
MARCH 10, 2009 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 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: Malinowski, Orgo, Forester, Florek, Barbagallo, Crossan, Kostka, Robinson, Lear and Powell

Absent: Thompson

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

Approval of Minutes:

February 10, 2009 Minutes Approved:

OFFER: Orgo

SECOND: Barbagallo

AFFIRMATIVE: Malinowski, Orgo, Florek, Barbagallo, Crossan, Kostka, Robinson, Lear and Powell

NEGATIVE: None

RESOLUTIONS:

Application PB629A – Flancbaum – Block 33, Lot 20 – Route 537

Memorialization of Resolution approving a one year extension of time to the Approved Final Major Subdivision. The extension will begin June 12, 2009 and expire June 12, 2010.

Motion to Memorialize the Extension of Time:

OFFER: Orgo

SECOND: Robinson

AFFIRMATIVE: Malinowski, Orgo, Florek, Barbagallo, Crossan, Kostka, Robinson and Lear

NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Application PB674 – McMahan – Block 7.02, Lots 34.01 & 34.13 – Clover Hill Road

Application for Preliminary Major Subdivision Approval for an eight lot subdivision in the A-1 Zone.

Mr. Sal Alfeiri, Esq. represented the applicant. Twenty exhibits were marked – application, Environmental Impact Assessment Report, site plans, steep slope plan, tree location plan, conforming subdivision plan, Environmental Commission Report, Board of Health comments, two review letters each from the Landscape Architect, Engineer and Planner, blow up of tax map, highlighted conforming plan, color landscape plan, color grading/utility plan and a two sided photo board with 12 photos.

A.J. Garito, Engineer – sworn. Mr. Garito told the Board the McMahan's came to him over a year ago to subdivide their 22 acre property. At that time the new COAH regulations were not in effect and it was designed with seven lots. They knew the Township was in the process of amending the ordinance requiring affordable homes, so they redesigned the project with eight market rate homes and two affordable. After listening to concerns of neighbors, they have redesigned the project again with just eight market rate lots and they will utilize the provision of the ordinance allowing them to provide the two affordable units off site. The subdivision is now totally conforming. One design waiver is needed for some tree removal due to a new tree ordinance. Seven trees need to be removed, the ordinance requires two new trees be planted for each one that is removed.

Mr. Garito also explained they received an LOI for the project and buffers are established. He has designed infiltration and detention basins in accordance with stormwater management regulations. A homeowners association will be established to maintain the basins. Although the McMahan's have never used it, there is a garage apartment which they willing abandon. The Board thought it would be better for the cul-de-sac to be shortened approximately 50' even though this would create lot frontage variances for at least one lot, this would keep lights from shining into the neighbors home.

Open to the public. Michael Leckstein, Esq. represented Carolyn Seabolt, Windsor Place. Mr. Leckstein said his client felt there are potential drainage problems and brought an engineer to validate her concerns. Shelia O'Brien, 11 Warrenton Lane asked if the basins were built and if the town monitors them. Township Engineer, Glenn Gerken said they were not built. These types of basins have been built in town over the last ten years and he does not know of any that have failed. Cindy Burnham, Fair Haven – sworn. Ms. Burnham feels this is an environmentally sensitive area that runs into the stream and extra runoff should not drain into it. Mark Schanzer, 4 Warrenton Lane asked who monitor the trees? The applicant must post bonds to ensure the trees survive and Township Landscape

Architect Julie McGowan will monitor this. Daniel Busch, Maser Consulting – sworn. Mr. Busch was a witness for Mr. Leckstein. Mr. Busch stated his interpretation of the regulations is that the waterways are a regulated stream channel and require a 300’ buffer.

Chairman Malinowski felt the determination should come from the DEP whether a 300’ buffer is required or not. If it is required the subdivision will need to be redesigned. New plans are also required to redesign the road, revamp the landscaping and relocate the detention basins farther from the neighbors property line.

This application is carried to the April 14, 2009 meeting with no further notice. However if new variances are required the applicant must renotify.

Application PB625C – Vaccaro I – Block 48, Lot 6 – Route 34

Application for a Deviation to the Preliminary and Final Major Site Plan Approval to transfer approximately 800 s.f. from the general retail/office building to the proposed bank.

Mr. Alfieri, Esq. told the Board this application was deemed incomplete because the taxes were delinquent. Due to the economy Mr. Vaccaro is in a bad situation and does not have the money to pay the taxes. Bank of America will be leasing the front building and wants more space, the reason for this application. However Bank of America is also funding this project and will not release any funds until approval is granted.

The Board agreed to waive the requirement for the taxes to be paid prior to deeming the application complete for review. However they stated it would be a condition of approval the taxes must be made prior to the memorialization of a resolution of approval.

Motion to Waive the Requirement:

OFFER: Crossan

SECOND: Robinson

AFFIRMATIVE: Malinowski, Orgo, Forester, Florek, Crossan, Kostka, Robinson, Lear and Powell

NEGATIVE: None

RECUSE: Barbagallo

DISCUSSION:

None

EXECUTIVE SESSION

None

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Barbagallo at 9:45 p.m. and this was seconded by Mr. Forester 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 March 10, 2009 adopted by the Planning Board of the Township of Colts Neck at its meeting held on April 14, 2009.



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