TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
NOVEMBER 12, 2024 MINUTES

Mr. Tobia 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 a notice to the Asbury Park Press and the Star Ledger and that a copy is on file in the Office of the Township Clerk. This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be always maintained. I further order that this public announcement be placed in the minutes of this meeting."

Salute the Flag

Roll Call:

Present:	Tobia, Lukowitz, Torchia Buss, Corsi, Taeschler, and Visci
Absent:	Rizzuto (excused), Bader (excused), Lutkewitte (excused), Penczak (excused), and Sullivan (excused)

Also Present: Glenn Gerken, P.E., Timothy Anfuso, P.P., and Mike Steib, Esq.

APPROVAL OF MINUTES:

Motion to approve the September 10, 2024, meeting minutes

OFFER:	Lukowitz
SECOND:	Taeschler
AFFIRMATIVE:	Tobia, Lukowitz, Torchia Buss, Corsi, Taeschler, and Visci
NEGATIVE:	None

ADMINISTRATIVE ITEMS:

Mr. Anfuso shared the proposed Planning Board meeting dates for 2025. He asked the Board to review the dates for discussion and approval at the January reorganization meeting.

Mr. Anfuso announced that the Planning Board will hold an open meeting for public input regarding the next round of affordable housing requirements. The meeting will take place on January 14, 2025, as part of the annual reorganization meeting.

OLD BUSINESS:

PB762 Roger Mumford Homes, LLC – Block 53, Lots 4, 5 & 7 – Obre Rd
Application for Preliminary and Final Major Subdivision approval for a 26 lot subdivision consisting of 25 residential lots and one open space / stormwater management lot in the A-7 Zone. Time to December 24, 2024

Mr. Steib listed the following as exhibits in addition to the previous 29 items.

30. Storm Water Management Report dated 07.30.24
31. Revised subdivision plan dated 10.25.24
32. Bioretention swale perspective view dated 10.24.24
33. Township Planner's memo dated 11.06.24
34. Board of Health report 10.31.24
35. Township Engineer Gerken's memo dated 11.11.24
36. French & Perello correspondence dated 10.22.24
37. French & Perello correspondence dated 10.29.24
38. Final major subdivision plan dated 10.20.23, revised 10.10.24
39. BMP Operations Manual dated 05.22.24, revised 10.28.24
40. Stormwater Management Report, volumes 1 and 2, dated 05.10.24, revised 10.28.24
01. Environmental Planning Evaluation dated 07.25.24

Dante Alfieri noted that the applicant is reinstating one of the variance requests which was previously withdrawn at the first meeting. As such, the applicant renoticed the surrounding property owners. Exhibit #41, a rendering of their colonial style heritage home was submitted. Mr. Mumford stated that the Township code contemplates construction of two-story homes, which would allow a large home on a small lot, at 6.6% coverage. Some of the Mumford homes only have second floor living space in the front portion of the building, requiring a larger footprint. Per the applicant, this design gives the homes a timeless, classic look. They are requesting the Board to consider a variance to allow up to 8.2% coverage for the homes. The lots requiring a variance are 1, 3, 8, 11, 21.03, 21.05, 21.06, 21.07, 21.09, and 21.10. However, Mr. Mumford was not able to indicate the style of home to be placed on each of these lots, and thus confirm they would be 2 story homes. Mr. Anfuso suggested the applicant drop the roof line and place dormers on the second floor to achieve the Township's definition of a 1½ story home which would allow 10% lot coverage. The applicant declined to do that. Mr. Tobia asked if the applicant would agree to put a deed restriction on the 10 lots that future homeowners would not be allowed to add to the footprint of the home. The applicant agreed but only for those 10 lots. The Board was noncommittal about placing a deed restriction on the homes.

Brian Decina, P.E., recapped previous testimony. He presented exhibit #42, the subdivision plan dated November 2024. Updates include removing site identification signs along Hockhockson Road, the southern basin on lot 21.13 was altered to allow driveway access to the landlocked Stivola property. The access driveway will be asphalt and built to accommodate fire apparatus. Plans were changed to address concerns in the T&M Associates' review letter.

Mr. Decina prosed that the "fill area" in the northeast corner of the property be put into a conversation easement. Mr. Gerken and Mr. Tobia questioned Mr. Decina about another location close to Obre Road which had a very large amount of material brought in in the last five to ten years. Mr. Decina stated that since the area is wetlands it would require permits to go in and clean it up. It is unclear what the material is. The Board would like to see the material removed and tested. Mr. Decina offered the

options of not doing anything with it and leaving it there as historic fill or removing it and having it tested.

Mr. Tobia reminded the applicant that since the property was a former nursery and agricultural site, the Board will require that information to be included in the deed as a condition of approval. Mr. Anfuso offered to provide verbiage to that effect for them to use. Likewise, deeds of those properties that border on Obre and Hockhockson should have a notice that they are near an active agricultural facility.

Mr. Gerken noted that another update has increased the roads from 24' to 28', which will allow for parking on one side of the road. The curb line will match that of Penny Royal Court.

New stormwater regulations require no more than 2.5 acres per basin. This requires 39 basins in the development. It was noted they would need maintenance quarterly. Conversation ensued regarding who would be responsible for maintenance of the swales and who would enforce it. The applicant agreed to provide a manual. Per Mike Steib, HOAs are required to keep an operations and maintenance manual and to periodically report to the municipality what they have been doing, any problems they encountered, and what they are doing to correct the problems. If not properly maintained, the municipality has the authority to correct the problems and back charge the HOA for their costs. Mr. Anfuso added that DPW can note HOA failures as they go about their work in town. However, it is more likely that failures will occur in the biodetention facilities and not in the public right of way. This will lead to homeowners calling the Township and Township officials redirecting them back to the HOA. If the HOA fails to correct the problem, it will likely lead to attorneys getting involved.

Ms. Visci asked about swale fencing maintenance. Conversation ensued. Mr. Tobia suggested the fencing be slip rail rather than split rail. Mr. Mumford agreed. It was agreed there would be a deed restriction that homeowners cannot remove or change the type of fencing in the bio swales. There was a conflict of opinion over who will be responsible for fence maintenance, the homeowner or the HOA. It was agreed it would be a deed restriction that the homeowner would have fence maintenance responsibility. If the homeowner fails in the upkeep, the HOA would be required to correct the problem. Maintenance of the bioswales would be the HOA's responsibility.

Mr. Anfuso highlighted comments from his second memo, advising the Board of the issues which they will have to decide upon and those items which were decided upon at the previous meeting.

Discussion about the removal and replacement of trees ensued. Mr. Decina indicated that a planting list has been created for each of the 40 basins.

Mr. Anfuso recommended the 800-foot driveway access easement to the landlocked Stivola property be limited to the development of only one single family dwelling so that the access doesn't get turned into a roadway to support multiple residences. The Board decided it was better not to limit the development at this time.

Mr. Anfuso advised the Board they must decide on whether to allow generators beside the rear half a house with screening. The Board seemed to agree with that.

To avoid further delays, Mr. Gerken asked permission from the Board to meet with Mr. Decina to go over his report. The Board was fine with it.

Justin Auciello, P.P., was sworn. He gave testimony in support of the application and how it fits in with the Master Plan, specifically noting his belief that the variances are a better alternative than the ordinances.

The chairman opened the meeting to public questions and comments.

Gina Staniforth, 48 Obre Road, was sworn. She is worried about people parking on the narrow streets of Obre and Hockhockson Roads, as well as the light pollution from the new homes. She is also concerned about the dirt that will be in the air after the trees are removed and how it will impact keeping a clean home.

Ekjot Grewal, 5 Pennyroyal Court, was sworn. He is also concerned about tree removal. He notes that DEP regulations suggest keeping existing vegetation whenever possible. He is asking for a compromise on tree removal, especially where older trees are concerned.

Patricia Eastman, 157 Hockhockson Road, was sworn and read a prepared statement asking for seven requirements to be added to the resolution of approval should the Board approve the application. The statement was submitted as exhibit #02.

Patrick Lesbirel, 17 Water Street, was sworn. He would like to see architectural plans, as the applicant has only provided pictures. He, too, is concerned about the dirt due to the tree clearing.

Neighbors' concerns were addressed. Mr. Mumford noted the dry conditions we are having will likely not continue, but he is willing to power wash adjacent homes on a semi-regular basis to mitigate the dust if needed. Mr. Tobia added as a condition of approval that during construction the applicant will monitor the conditions and mitigate dust with water and power washing as needed. He also stated that most of the trees to be removed are "junk" trees. He is in favor of saving the historic older trees where possible.

Mr. Tobia added a condition of approval that during construction access to the site would be from Water Street or the easterly portion of Hockhockson Road and not via the bridges, as they cannot support the weight of construction vehicles.

Mr. Anfuso stated that as a standard condition of approval all outside approvals must be in place prior to any disturbance of soil. Mr. Gerken stated that parking within the development will be limited to one side of the road. The Township Committee has the authority to limit and enforce parking. Outside home lighting will be limited to downward facing fixtures, and the exclusion of flood lights will be noted in the HOA document.

Mr. Mumford noted that there were cordial meetings with the owner of the neighboring farm regarding drainage onto her property and other details. Mr. Tobia asked that as a condition of approval the applicant coordinate the utility transfer with the farm owner and assure that drainage does not impact the property.

A conversation ensued regarding tree preservation and replacement. Mr. Alfieri agreed to the applicant working with Mr. Anfuso and Mr. Gerken to save as many trees as possible and agreed to a detailed tree preservation plan as a condition of approval. The application will be carried to the December 10th meeting when the applicant will return with a landscape and tree preservation plan. That hearing will focus solely on trees and landscaping. The applicant does not have to resubmit full plans, just the tree/landscaping plan. No further notice to neighbors is required.

MOTION TO ADJOURN

A motion to adjourn was made at 10:28 p.m. 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 November 12, 2024, adopted by the Planning Board of Colts Neck Township at its meeting held on December 10, 2024.

Joni VanNest, Secretary
Planning Board
Colts Neck Township