TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
September 10, 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, Rizzuto, Bader, Corsi, Taeschler, Lutkewitte, Visci, and Sullivan
Absent:	Penczak (excused)

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

Approval of Minutes:

Motion to approve the July 9, 2024, meeting minutes

OFFER:	Lukowitz
SECOND:	Lutkewitte
AFFIRMATIVE:	Tobia, Lukowitz, Torchia Buss, Rizzuto, Corsi, Taeschler, Lutkewitte, and Sullivan
NEGATIVE:	None

NEW BUSINESS:

PB762 – Roger Mumford Homes, LLC – Block 53, Lots 4, 5 & 7 – Obre Rd

Mr. Steib advised the Board that the text of the Notice of Hearing letter missed two variances. He noted the text included the catch all phrase of *any other variances or waivers that the board may require*, which he deemed to be sufficient information for notice.

A neighbor, Mrs. Eastman, contacted Mr. Steib prior to the meeting and stated that she did not receive the notice until September 5th. She and her husband wanted their attorney present at the hearing but he was unable to attend on such short notice. She asked for the meeting to be carried until the next scheduled meeting. Mr. Steib informed the Board that adequate notice was given. However, he

suggested that they be given the opportunity to present their witness, noting that other municipalities have faced litigation over similar notice issues and lost in court. Mr. Tobia chose to hold the hearing but indicated he would not call a vote on the application until the next meeting. The applicant agreed with the chairman's decision.

Timothy Anfuso, P.P., Glenn Gerken, P.E., Roger Mumford, and Brian Decina, P.E., were sworn.

Roger Mumford gave a history of his company's developments in Colts Neck and other municipalities, as well as a brief overview of the proposed development.

The following items were marked as exhibited.

1. Development Application dated 05.23.24
2. Erosion Control Agreement dated 05.23.24
3. List of Easements and Restricted Covenants
4. Survey dated0 4.24.23
5. Preliminary and Final Major Subdivision dated 05.22.24
6. Preliminary and Final Major Subdivision dated 10.20.23
7. Stormwater Management Report dated 05.10.24
8. BMP Operations and Maintenance Manual dated 05.22.24
9. Environmental Impact Report dated 05.20.24
10. Phase 1 Environmental Assessment Report dated 12.16.22
11. Proposed Building Elevation and Grading Analysis dated 05.23.24
12. Sub-surface sewerage disposal system request dated 05.21.24
13. Township Planner's Report dated 09.06.24
14. Board of Health Report dated 08.28.24
15. Fire Council Report dated 08.28.24
16. Pesticide Investigation Report dated 01.16.23
17. NJDEP Wetlands Letter of Interpretation dated 07.16.24
18. Monmouth County Planning Board Development Committee Report dated 07.08.24
19. Township Engineer Glenn Gerken's Report dated 09.09.24
20. Revised Planner's Report dated 09.10.24
21. Shade Tree Commission Report dated 09.05.24
22. Architectural Review Committee Report dated 06.11.24
23. Color Site Rendering
24. Proposed Home Photo – 2,900 Historic Colonial
25. Proposed Home Photo – 2,900 Historic Colonial close up
26. Proposed Home Photo – 4,000 square foot gambrel
27. Proposed Home Photo – 2,900 Historic Colonial rear elevation
28. Example of a finished home – 3 Forest
29. Aerial photo, undated

Mr. Mumford explained that some of his homes are a hybrid between a 2-story and a ranch. He suggested the Township may want to reconsider an adjustment to the municipal code lot coverage guidelines to accommodate these types of homes.

Mr. Mumford advised the Board that the plans will be revised to include a 12-foot-wide easement for Stavola Realty Group to access their abutting land-locked property, Block 53, Lot 12. This would create

the only access to the property. The developer has agreed to mill and overlay, full width, Hockhockson and Obre Roads as part of the project.

The chairman opened to meeting to questions for Mr. Mumford. Patrick Lesbirel, 17 Water Street, spoke. Gina Staniforth, 48 Obre Road, was concerned the development would increase the drainage problem they already have on Obre Road. She requested them to keep the mature trees. Mr. Mumford assured her that the project will be in compliance with updated DEP guidelines, and that most of the trees will be removed.

Mr. Alfieri called Brian Decina, PE, CME, to speak on behalf of the applicant. Mr. Decina shared some basic information about the property, including the location of wetlands on the property. Six houses will have frontage on Obre Road, none on Hockhockson. They are proposing 2 roads, one connecting Hockhockson and Obre, and another cul-de-sac. All are asphalt to grass with no curbing. There will be a 50' landscape easement on Hockhockson and no utility easements. In compliance with the new 2023 stormwater regulations, there will be a series of connected small swales on each property for drainage that will flow into a larger basin in an empty lot. Discussion ensued about the drainage system. Access point easements will be provided for maintenance of the swales. Roger Mumford Homes will initially be responsible for the maintenance, then the responsibility will be moved to the HOA. The drainage system will be owned and maintained by the HOA. Each swale will be delineated with a split rail fence. Board members were concerned about future landowners not understanding they are not allowed to build on or otherwise modify the swales. Mr. Gerken stated that the HOA documents need to be very specific about the HOA's maintenance responsibilities and should be noted on the deeds. Mr. Anfuso added that if the HOA falls apart and fails in its responsibility, the Township can step in to try to revitalize the HOA to correct the drainage mismanagement. If that doesn't work, the township could fix the problem and then place leans on the homes for the cost. Mr. Mumford stated he will have other ideas on this subject for the next meeting.

Mr. Tobia asked about interim drainage plans during construction. Mr. Alfieri said as a condition of approval, they would provide a phasing schedule to address drainage during construction.

Mr. Decina noted the land currently contains several mounds of stockpiled soil, most likely from previous agricultural use. Mr. Tobia requested that as a condition of approval, the soil be tested for pesticides. He also wants it noted in the deeds that the property was the site of a former agricultural enterprise. Mr. Gerken stated that the excess soil should not be used as fill.

As part of their presentation, the applicant noted several variance requests (building coverage and development sign) are being withdrawn. The Board required the applicant to submit updated plans showing the reduced variance requests before the next meeting.

The meeting was opened for questions from the public for the engineer.

Patricia Eastman, 157 Hockhockson Road, and Gina Saniforth, 48 Obre Rd, spoke. Patrick Lesbirel, 17 Water Street, concerned about flooding, asked about lot coverage. Mr. Decina stated that each lot is under the 20% allowable impervious coverage, taking into consideration future renovations that would add to the coverage. Holly Harris, 160 Hockhockson Road, noted several concerns, including utilities to her property being moved, the driveway easement changing, and drainage, since her property is about 2 to 3 feet lower than the subject property. She had concerns about potential flooding to her property and into her barn. Mr. Mumford assured her that the utilities were not going to be interrupted

until they were ready to transfer power. He also stated that in their 30-year history of building over 4,000 homes, they never had a lawsuit from a homebuyer over drainage. Mr. Tobia suggested the developer meet with Ms. Harris before the next meeting to discuss her concerns.

Mr. Tobia asked if generators were included in each home. Mr. Mumford stated that they were an option. Mr. Tobia asked to restrict generator locations to the rear yard. Mr. Mumford countered with at least halfway down the side of the house and screened from view. Mr. Tobia agreed.

Mr. Tobia paused testimony for the evening, noting the hearing would be taken up again at a later meeting. The applicant requested, and the Board agreed, that the application be carried until the November 12th meeting. No further notice to neighbors would be required.

MOTION TO ADJOURN

A motion to adjourn was made at 7:33 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 September 10, 2024, adopted by the Planning Board of the Township of Colts Neck at its meeting held on November 12, 2024.

Joni VanNest

Joni VanNest, Secretary
Planning Board of the
Township of Colts Neck