TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
September 12, 2023 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, Rizzuto, Penczak, Taeschler, and Visci
Absent: Bader, Corsi (excused), Lutkewitte (excused), Fitzpatrick (excused)

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

Approval of Minutes:

Motion to approve the July 11, 2023 meeting minutes
OFFER: Taeschler
SECOND: Rizzuot
AFFIRMATIVE: Tobia, Rizzuto, and Taeschler
NEGATIVE: None

RESOLUTIONS:

1. **PB759 – Spinella Chiropractor – Block 41, Lot 25.01 – 400 Route 34**
   Memorialization of Resolution granting Preliminary and Final Major Site Plan approval to convert previous bank to a chiropractic office in the B-1 Business Zone.

   OFFER: Taeschler
   SECOND: Rizzuto
   AFFIRMATIVE**:** Rizzuto and Taeschler
   NEGATIVE: None

ADMINISTRATIVE ITEMS:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. **PB760 – Prancing Horse Stables, LLC – Block 41.01 Lot 5.13 – 136 Five Points Rd**
   Application for Preliminary and Final Major Site Plan approval to reconfigure an existing horse track in the AG, Agricultural Zone. Time to November 7, 2023

   Glenn Gerken, P.E. and Timothy Anfuso, P.P. – sworn.

   Fifteen items were marked as exhibited.
   1. Application, dated 03.22.23
   2. Site Plan prepared by Abbington Engineering, dated 03.27.23, revised 05.23.23
   3. Survey, dated 10.16.19, revised 06.14.23
   4. Drainage Report prepared by Abbington Engineering, dated March 2023
   5. Wetlands Permit and Water Quality Certificate, dated 05.30.23
   6. Flood Hazard Area Verification, dated 06.20.23
   7. Description of Operation and Aerial view, submitted by Abbington Engineering
   8. Phase 1 Environmental Site Assessment Report prepared by ATD Consultants, dated 10.24.19
   9. Review by Glenn Gerken, P.E., Township Engineer, dated 08.22.23
   10. Review by Tim Anfuso, P.P., Township Planner, dated 09.01.23
   11. Fire Council Review, dated 08.30.23
   12. Board of Health Review, dated 07.17.23
   13. Shade Tree Commission Review, dated 08.03.23
   14. Architectural Review Committee Review, dated 09.12.23
   15. Memorandum from Michael Steib, Esq. regarding EV parking stall, dated 09.11.23

   Dante Alfieri, Esq. appearing on behalf of the applicant, Mr. Anthony Maltese, P.E. – sworn. Mr. Maltese testified to his qualifications to present testimony. He presented exhibit 16, the final plat creating the property as part of the subdivision, dated 03.17.2003. He stated that the property is part of a 15 lot subdivision, encompassing 64 acres, with manmade ponds. There is a conservation easement along the back of the property and a trotter track which has been in place for 50 years. He presented exhibit 17, a blowup of the aerial view. The plan is to reconfigure the track so that it is safer and compliant with regulations for thoroughbreds. To do so, they will have to fill in one of the ponds and go through wetlands, which has already received a NJDEP Freshwater Wetlands permit. They've also obtained a Flood Hazard Verification. There will be a 300' riparian buffer to the stream, and another 300' buffer from the edge of the pond. The new track will run parallel to Route18. There are no buildings proposed for the area. They are not requesting any variances. They are requesting a design standard waiver for not creating a conservation easement along the full 300 foot riparian buffer. They still have to receive a Flood Hazard Area Permit to fill in approximately 16' within the riparian buffer. They will provide a cut and fill calculation.

   One existing well will be abandoned. The applicant agreed to decommission this well.
   The Preliminary Assessment noted a small amount of asbestos insulation in the venting ductwork. In removal of the ductwork, it was discovered there actually was no asbestos in building one.
   The Phase I study found reference to a tank in regard to building one. They will put in an OPRA request with the town to determine if this underground tank has been removed.

Regarding Mr. Anfuso's comment concerning use, Mr. Maltese stated the riding stables are not open to the public for shows. They are only for the owner's personal use and use by boarders.

Regarding Mr. Anfuso's question concerning the possible need for electric vehicle (EV) make-ready parking stalls, the statewide municipal EV ordinance, Section 2H, seems to exclude the developer or owner of a single-family home when as a primary use. This property contains a single-family home as a primary use and would fall under that exclusion. Mr. Tobia asked if there is jurisdiction for the Board to grant a waiver of the requirement. Per Mr. Steib, the statute does not address whether a variance or a waiver could be applied to the statute, and there is no case law on it. He therefore recommends the Board require the EV parking space or a make-ready space. The Board felt they should be allowed to grant a waiver for this type of parking stall on private property that is strictly for agricultural use. Mr. Anfuso reminded the Board that, as a facility that boards horses, the stables are open to the public. And although the area is only gravel with no striping, there are 41 spaces for parking.

The Board believed Colts Neck was very fortunate to have a planning request such as this to continue the agricultural use of the property, as it goes hand in hand with the character of the Township. They believed it is not necessary to provide an EV parking space at this time. There may be more of a demand for it in the future. They were in favor of granting a waiver and for Mr. Steib to write the resolution with the potential for legal challenge in mind. Mr. Anfuso stated that EV parking is an Article 6 zoning requirement for all zones. Therefore, it would need a variance rather than a waiver.

Mr. Anfuso asked if the track will have lighting other than for security purposes. Mr. Maltese stated it will not, but they will apply for authorization if there becomes a need in the future.

Mr. Anfuso asked for a conservation easement for the 300 foot riparian buffer outside the area to be graded for the track. Mr. Maltese noted the area was currently grassland. But the owner wants the option to plant a crop there in the future. The Board agreed to allow the applicant to farm the land for only hay, which does not need annual tilling, to prevent erosion into the stream.

Glenn Gerken's comments included reconfirming the applicant will give cut and fill calculations, and that the property is large enough so that it will balance without the removal or introduction of any soil. The 600' block retaining wall will need a building permit based on a design by a licensed engineer due to its height. Once the track is relocated, the applicant will plant grass in the location. There is also a drainage system in the center of the track.

The chairman asked for questions from the Board. Mr. Teaschler asked about the difference between the two tracks. It was explained that the thoroughbreds are faster and require a longer turning area.

There were no questions from the public.

In summary, the applicant is asking for preliminary and final site plan approval. They are requesting a variance for the EV parking space requirement. The 300' riparian buffer that is

outside the proposed racetrack will be placed in a conservation easement. The applicant will be allowed to farm the conservation easement but will be restricted to only hay.

The Board gave its best wishes to the applicant, believing it will be an asset to Colts Neck.

OFFER:	Lukowitz
SECOND:	Taeschler
AFFIRMATIVE**:**	Tobia, Lukowitz, Rizzuto, Penczak, Taeschler, and Visci
NEGATIVE:	None

DISCUSSION:

None

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Penczak at 8:13 p.m., seconded by Mr. Lukowitz 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 12, 2023, adopted by the Planning Board of the Township of Colts Neck at its meeting held on October 10, 2023.

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