# TOWNSHIP OF COLTS NECK
# PLANNING BOARD MEETING
# June 13, 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, Fitzpatrick, Bader, Corsi, Stanford, Lutkewite, Taeschler, and Visci
Absent: Penczak (excused), and Rizzuto (excused)

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

**Approval of Minutes:**

Motion to approve the May 9, 2023 meeting minutes
OFFER: Stanford
SECOND: Taeschler
AFFIRMATIVE**:** Tobia, Lukowitz, Fitzpatrick, Stanford, Lutkewitte, Taeschler, and Visci
NEGATIVE: None

**RESOLUTIONS:**

None

**ADMINISTRATIVE ITEMS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

1. **PB757 – Country Day School – Block 48, Lot 7.02 – 293 Route 537**
   Application for Minor Site Plan approval with Variances to replace and upgrade the existing outdoor play area in the B-1, Business Zone. Time to August 31, 2023.

   Eight items were marked as exhibited – Application, Minor Site Plan, Architectural Review Committee report dated December 6, 2022, Shade Tree Commission report dated December 2, 2022, Township Engineer's report dated March 17, 2023, Series of 12 Photographs, Township Fire Official's report dated March 6, 2023, Township Planner's report dated April 5, 2023

   Dante Alfieri, Esq. appeared on behalf of the Applicant. Gloria Ellis – Applicant/Owner – sworn. Ms. Ellis testified she has worked at the school since 2007 and became the owner of the school in 2018. The school, which is DYFS approved for 76 students, has a maximum of 64 students at the school at any one time.

   Joseph Kociuba, P.E. - project engineer – sworn. Mr. Kociuba testified that the application is to reconstruct the daycare's existing outdoor play area. The surface of the play area will be changed from mulch to grass rubber, permeable play tiles, and patio. Also, new 6 foot privacy fence has been shifted 2 feet in order to preserve an existing tree. The proposed play area of 3,270 square feet has now been reduced to less than 3,100 square feet.

   Mr. Kociuba stated that the applicant previously received approval for impervious coverage of 66.7% in an area where 50% is the maximum permitted. The proposed lot coverage will be 66.53% where 66.7% was previously granted. Per the side yard setback variances, Mr. Kociuba noted that this a permitted use, and that the property is fully developed and that the side yard setback is not being decreased over existing conditions.

   The Applicant agrees to comply with the technical comments and the reports of the Planning Board Engineer and the Township Planner Report. The Applicant also agreed to obtain Health Officer approval prior to any work at the property.

   The Applicant proposes to phase the project. Phase I includes the fencing and shade sails improvements immediately upon adoption of the resolution. Phase II will be the balance of improvements which will be performed after final plans have been reviewed and approved by the Township Engineer and Planner.

   Chairman Tobia opened the application to the public for questions or comments. Glen Dalakian 40 Horseshoe Court, Colts Neck who owns the building across the street from the school complimented them as a well-run and responsible business and supports the request for variances.

   The Board had concerns on how the shade sails are anchored. The Applicant agreed to provide details to the Township Engineer. Overall, the Board was pleased with the application, believing it would be an improvement to the play area and will aid in the children's safety.

Motion to approve the application with conditions as outlined above:

OFFER: Corsi
SECOND: Bader
AFFIRMATIVE: Tobia, Lukowitz, Fitzpatrick, Bader, Corsi, Stanford, Lutkewitte, Taeschler, and Visci
NEGATIVE: None

**2. <u>PB754A _ Boraie / CN Community Church</u> – Block 33, Lots 20.02 & 21 – 249 Route 537**

Application for Preliminary and Final Major Subdivision approval with Variances for a 4 lot subdivision in the A-1, Agricultural/Residential Zone. Time to September 13, 2023.

Eight items were marked as exhibited: Google aerial photograph of 249 Route 537 dated 2020; Preliminary and Final Major Subdivision Plan December 1, 2022, revised through May 5, 2023; Stormwater Management report dated December 1, 2022; report from Engineer Glenn Gerken dated May 30, 2023; report from Planner Tim Anfuso dated August 5, 2022; report from the Shade Tree Commission dated June 1, 2023 indicating approved; report from the Health Officer dated June 17, 2023; report from the Fire Officer dated April 7, 2023 indicating no comment.

Dante Alfieri, Esq. appeared on behalf of the Applicant. They are seeking changes to the subdivision to add onto another parcel. Mr. A.J. Garito, P.E. – sworn. Board Engineer Gerkin and Board Planner Anfuso - sworn. Mr. Garito presented a color rendering of the Grading and Utility Plan dated December 1, 2022, revised May 5, 2023. Lot 21 was previously approved for a 3 lot subdivision by the Board. The owner was approached by a neighbor on Camelot Drive asking to become part of the subdivision to obtain land at the rear of their property for a larger backyard. The subdivision was altered to provide an acre of property which will be conveyed to Lot 20.02. The cul-de-sac configuration will remain the same with minor adjustments to the side lot lines. Also, due to stormwater regulation changes, the project went from 2 detention basins to 3. Grading, landscaping and the overall design remain basically the same. The subdivision requires 4 variances. Three variances are requested for lots not containing the minimum unencumbered area, excluding easements. The last variance concerns frontage for proposed Lot 21.02. This lot contains 145 feet of frontage where 225 feet are required. Mr. Garito testified that the 3rd retention basin, which will run through the neighbor's property, would be maintained by the HOA.

Mr. Anfuso stated that this was the 3rd time the application has been presented. It is basically the same application previously approved with minor variations. He questioned the placement of the conservation easement on new Lot 21.01. On the previous applications the conservation easement followed the 150 foot special resource protection area. Mr. Garito indicated that the conservation easement could be increased but requested that existing disturbed areas in the easement be allowed to be mowed.

Mr. Gerken noted the plans indicate two retaining walls at the top of the bank are designated to be removed. Mr. Garito said they will not be removed as they provide stability. It was determined that it is a condition of approval that the retaining walls remain.

These lots meet the minimum lot area requirement of 88,000 square feet, but require variances for not having 74,800 square feet not unencumbered by easements. Also, much of the land is being encumbered by conservation easements so nothing can be developed on the land.

Chairman Tobia opened the application for public comments or questions. No public comments.

Summary: all 4 lots will be part of an HOA which will maintain the 3 detention basins, the technical items contained in Mr. Gerken's and Mr. Anfuso's reports, as well as the Health Department's report will be complied with. The conservation line will be moved. There will be no structures within the conservation easement. However, existing disturbed areas will be allowed to be mowed and existing wooded areas shall not be cleared or will remain in their natural state. The retaining walls will remain to stabilize the slope.

Motion to approve the application with conditions as outlined above:

OFFER: Stanford
SECOND: Bader
AFFIRMATIVE: Tobia, Lukowitz, Fitzpatrick, Bader, Corsi, Stanford, Lutkewitte, Taeschler, and Visci
NEGATIVE: None

**DISCUSSION:**

None

**MOTION TO ADJOURN**

A motion to adjourn was made by Mr. Lutkewitte at 8:22 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 June 13, 2023, adopted by the Planning Board of the Township of Colts Neck at its meeting held on July 11, 2023.

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