TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
FEBRUARY 7, 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, Fitzpatrick, Corsi, Lutkewitte, Penczak, Taeschler and Visci

Absent: Lukowitz, Rizzuto, Bader and Stanford

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

Approval of Minutes:

Motion to approve the January 19, 2023, Meeting Minutes:

OFFER: Lutkewitte
SECOND: Corsi
AFFIRMATIVE: Tobia, Fitzpatrick, Corsi, Lutkewitte Penczak, Taeschler and Visci
NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

1. **PB741 – Gutierrez – Block 9, Lots 2.01 & 2.08 – 15 Evergreen Lane & 75 Willowbrook Road**

   Request for a 90-day extension of time to the Agricultural Division of Land transferring 10.99 acres from Lot 2.08 to Lot 2.01 in the AG Zone. The extension of time will begin on January 18, 2023 and expire on April 18, 2023.

   Mr. Salvatore Alfieri, Esq. represented the applicant requesting a 90 day extension of time to the approved Agricultural Division of Land. Mr. Alfieri stated this is an unusual situation. The Land Use Law sets a 190 day period to perfect Minor Subdivisions. However, this an Agricultural Division of Land which is specifically exempted from the definition of subdivision in the Municipal Land Use Law. Therefore; Mr. Alfieri believes the 190 day time period does not apply to this application. Out of an abundance of precaution the applicant is adhearing to the 190 day time period and is requesting a 90 day extension of time to perfect the approval. Mr. Alfeiri stated revised plans have been submitted to the Township and he believes the 90 day extension of time should be sufficient to record the division of land. Mr. Steib agreed with Mr. Alfeiri's opinion.

   Motion to approve the 90 day extension of time to the approved Agricultural Division of Land:

   OFFER: Penczak
   SECOND: Cosi
   AFFIRMATIVE: Tobia, Fitzpatrick, Corsi, Lutkewitte Penczak, Taeschler and Visci
   NEGATIVE: None

2. **PB751 – Antler Ridge – Block 22, Lots 6 & 7 – 91 Montrose Road**
   Request for a one-year extension of time to the two lot Minor Subdivision with Variances in the A-1 Zone. The extension of time will begin on March 21, 2023 and expire on March 21, 2024

   Mr. Anfuso stated this is a request for a one year extension of time to the approved two lot Minor Subdivision. The application is located on Montrose Road and the subdivision will create one new building lot in addition to the existing single family dwelling. There have been no major changes to the Zoning Ordinance since the application was approved and therefore, Mr. Anfuso had no Planning objections.

   Motion to approve the one-year extension of time to the approved subdivision:

   OFFER: Lutkewitte
   SECOND: Penczak
   AFFIRMATIVE: Tobia, Fitzpatrick, Corsi, Lutkewitte Penczak, Taeschler and Visci
   NEGATIVE: None

3. **Consistency Review of Ordinance No. 2023-3 – Conditional Uses**

   Mr. Anfuso stated this is a clean-up ordinance regarding the treatment of Conditional Uses. The purpose of this ordinance is to bring the Township's Development Regulations in

accordance with Judge Butehorn's ruling. In addition to moving all conditional use provisions to Chapter 102-11, the ordinance also updates the standards governing public utilities, electric generating facilities, service stations (with or without convenience stores) and veterinary offices to reflect changes/advancements which have occurred over time.

Mr. Anfuso reviewed the following major changes contained in the ordinance:

- A definition of Public Utility is being established
- New yard, area, lighting, screening and parking requirements are being established for public utilities
- To discourage above grade public utilities, underground installations are exempt from the conditional use provisions
- Service stations will be limited to two fueling islands with a maximum of two pumps per island
- Gasoline islands and canopies will not be permitted in the front yard of Route 34 or Route 537
- Food preparation will not be permitted in service stations with a convenience store
- Indoor and outdoor seating will be prohibited in service stations with a convenience store
- Architectural standards have been added to encourage, but not mandate, a colonial or agricultural building façade
- Signage will be limited to a maximum of two colors
- Emergency generators will be required at all service stations
- Large vehicle parking (10' x 40') will be required at all service stations with a convenience store

Mr. Anfuso stated that in his opinion the proposed ordinance is consistent with the Master Plan. The Business District's long term goal is to provide for neighborhood oriented businesses specifically designed for Colts Neck residences and Township's agricultural base. The intent of the Business Zones is to encourage agricultural services as well as other traditional commercial activities that create a small town ambience. Regional shopping facilities are not anticipated and are more appropriately situated in metropolitan and suburban planning areas and not rural or environmentally sensitive planning areas as designated in the State Development and Redevelopment Plan. The ordinance achieves this goal by regulating public utilities, electric generation facilities, service stations (with or without a convenience store) and veterinary offices to achieve a small town ambience.

Motion that Ordinance No. 2023-3 is consistent with the Township Master Plan:

OFFER: Lutkewitte
SECOND: Penczak
AFFIRMATIVE: Tobia, Fitzpatrick, Corsi, Lutkewitte Penczak, Taeschler and Visci
NEGATIVE: None

OLD BUSINESS:

None

NEW BUSINESS:

PB756 – Morabito – Block 9, Lot 17 – 785 Route 34
Application for Preliminary & Final Major Subdivision Approval with Variances for a two lot subdivision following the flag lot provisions of the A-1, Agricultural / Residential Zone.

Mr. Salvatore Alfieri, Esq. represented the applicant. Mr. Alfieri stated he received a correspondence dated February 1, 2023 from Mr. Robert Shea, Esq. representing an objector. He is not ready to proceed and needs additional time to address issues raised by Mr. Shea. Mr. Alfieri granted the Board an extension of time until April 30, 2023 to act on this application.

Mr. Steib announced that this application is being carried to March 14, 2023 at 7:30 p.m. in this room without the need for further Notice.

DISCUSSION:

None

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Tobia at 7:40 p.m. and this was seconded by Mr. Lutkewitte 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 February 7, 2023, adopted by the Planning Board of the Township of Colts Neck at its meeting held on March 14, 2023.

Timothy Anfuso, Secretary
Planning Board of the
Township of Colts Neck