

RESOLUTION GRANTING WAIVER OF SITE PLAN APPROVAL

IN THE MATTER OF APPLICATION #610
OF FRANK MADDEN
Block 10, Lots 3 and 3.01
Block 19, portion of Lot 10

WHEREAS, FRANK MADDEN, hereinafter the "Applicant", has proposed to conduct a public horse show for charitable purposes on property located at 55 Laird Road in the Township of Colts Neck, County of Monmouth and State of New Jersey and designated as Block 10, Lots 3 and 3.01 and Block 19, portion of Lot 10 on the Tax Map of the Township of Colts Neck; and

WHEREAS, the Applicant has applied to the Planning Board of the Township of Colts Neck for a Waiver of Site Plan Approval pursuant to Article IV, Section 102-26 of the Colts Neck Township Development Regulations Ordinance; and

WHEREAS, the subject property is located in the AG Agricultural Zone District; and

WHEREAS the Applicant appeared before the Colts Neck Township Planning Board on February 10, 2004 due notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present, the application was heard; and

WHEREAS, the Applicant's witnesses having been sworn and the Planning Board having heard the testimony of the Applicant's witnesses and having examined the exhibits presented by the

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Applicant and having considered all of the evidence presented in favor of, or in opposition to, the application the Planning Board has made the following findings of fact:

1) The Planning Board has received and reviewed the following documents, exhibits and reports:

(a) Development application of Frank Madden dated January 4, 2004 marked as Exhibit A-1 in evidence.

(b) Plot Plan for temporary Virtua Hospital Horse Show prepared by Bohler Engineering, P.C. dated March 6, 2003 marked as Exhibit A-2 in evidence.

(c) Report of Township Planner Timothy Anfuso dated February 4, 2004 marked as Exhibit A-3 in evidence.

(d) Architectural Review Committee Report dated January 27, 2004 marked as Exhibit A-4 in evidence.

(e) Revised Plot Plan for temporary Virtua Hospital Horse Show prepared by Bohler Engineering, P.C. dated March 6, 2003 revised January 8, 2004 marked as Exhibit A-5 in evidence.

- 2) The premises in question are located at 55 Laird Road in the Township of Colts Neck, County of Monmouth and State of New Jersey which property is further known and designated as Block 10, Lots 3 and 3.01 and Block 19, portion of Lot 10 on the Tax Map of the Township of Colts Neck.
- 3) The parcel is located in the AG Agricultural Zone District of the Township and has approximate dimensions of 982.76 ft. by 362.22 ft. by 132.00 ft. by 257.40 ft. by 154.65 ft. by 311.52 ft. by 158.40 ft. by 660.00 ft. by 447.16 ft. by 158.93 ft. by 136.54 ft. by 70.00 ft. by 104.37 ft. by 768.44 ft. by 845.08 ft. by 39.10 ft. (Block 10, Lots 3 and 3.01) along with dimensions of 548.87 ft. by 912.59 ft. by 300.00 ft. by 1528.88 ft. by 300.00 ft. (portion of Block 19, Lot 10).
- 4) The properties are existing farms developed with residences and supporting accessory farm structures.
- 5) The Applicant proposes to conduct a public horse show as a charity event benefiting Virtua Memorial Hospital. Although preparation and restoration of the site will occur over a period of several weeks, the actual function will be conducted on the weekend of June 19th and June 20th 2004. The Applicant proposes to hold competition involving approximately 125 horses which will be boarded in a temporary stabling tent with dimensions of 80 ft. by 200 ft. with drop sides

along with temporary lighting for that tent only. The horse show activities will include various class competitions on Saturday and Sunday and the facilities will also include two (2) temporary spectator tents with dimensions of 10 feet by 200 feet and 30 feet by 300 ft., a temporary sponsor tent, a temporary food and vendor area and a temporary horse entrance. There will also be parking for vehicles in parking fields on the site of Block 10, Lots 3 and 3.01 and on the opposite side of Laird Road on Block 9, a portion of Lot 10.

6) The event will occur exclusively during daylight hours between 7:30 a.m. and 6:00 p.m. and off-street parking will be provided for approximately 500 vehicles.

7) The Colts Neck Township Development Regulations at Article IV, Section 102-26 provides that site plan approval is required for all residential and non-residential developments that do not meet the definition of an exempt site plan. Article IX, Section 102-104 expressly requires minor site plan approval for a Type III riding/training stable where public shows are permitted subject to certain enumerated requirements.

8) The Planning Board further notes that Section 102-26 provides that "The approving authority may waive site plan approval of an application if it finds that the proposal does not noticeably affect items set

forth in this chapter to be considered in site plan approval." The Applicant has requested that the Planning Board grant a waiver pursuant to this provision insofar as the event will be of very limited duration and there will be no permanent improvements made to the premises as all of the proposed improvements will be erected solely for this event and will be removed thereafter.

9) The Planning Board has previously determined that the subject parcel meets the requirements for Riding Stable Type III insofar as the Applicant has represented that the Applicant's property, coupled with the leased property on the opposite side of Laird Road, exceeds the fifty (50) acre requirement. The Planning Board agrees with the recommendation of the Planner that the Applicant produce proof of this lease as a condition of this approval to confirm that the land area requirement has been met.

10) The Board further finds that the only lighting in connection with this event will be the security lighting in the temporary horse stable over the two (2) nights of the weekend event. The Planning Board finds that this will not have any substantial impact upon the subject parcel or the adjacent properties as the lighting will be temporary in nature for a very limited duration.

11) The Planning Board further finds that the Applicant intends to provide protective fencing along

Laird Road to prevent pedestrian movement into the roadway during the event. The Planning Board finds that such fencing will be temporary in nature and will be erected shortly before, and removed shortly after, the event. Consequently, this does not trigger any site plan considerations of a permanent nature. The Planning Board finds that such protective fencing is appropriate for this temporary event which is anticipated to occur only once annually.

12) The Planning Board finds that adequate parking must be provided and that there should be traffic control at the entrance gate by appropriately authorized uniformed police officers. The Applicant has indicated that this will be provided. Once again, this is not a permanent feature but merely a once annually operation for a brief duration.

13) The Planning Board notes that there will be a need to provide for sanitary facilities. This can be adequately handled through the Township Health Officer without the necessity of involving a formal site plan. The Planning Board notes that a horse show permit will be required from the Township Administrator and that other features related to the event such as the provision of electrical generators, watering tanks and the like will be required to be inspected and approved by the Construction Official and Fire Marshall of the municipality. The Planning Board finds that these other agencies can adequately monitor and oversee these aspects of the operation.

14) As a result of all of the foregoing, the Planning Board finds that the application does not propose the installation of any permanent structures on the subject property nor does the application propose the creation of any buildings, structures or facilities on the site that will be of a permanent nature or be utilized for more than the limited two-day period of the proposed event. As a result of the foregoing, the Planning Board finds that the Applicant's proposal does not include features that noticeably affect the items set forth in the Colts Neck Township Development Regulations Ordinance requiring site plan approval. The Planning Board notes that site plan review, as defined by the ordinance, includes the examination of specific development plans and pertinent data that would relate to a site plan the definition of which indicates that those items include location of proposed buildings, easements, drives, parking spaces, walkways, means of ingress and egress, lighting and screening devices. The Planning Board finds that the application before it does not include any permanent buildings or structures, easements, drives, parking spaces, walkways, means of ingress and egress, lighting and screening devices. All of the elements referenced in connection with the proposed plan will utilize existing facilities and/or will be of a temporary nature so as not to result in a permanent alteration of the site.

15) As a result of all of the foregoing, The Planning Board finds that site plan waiver can be granted. The Planning Board specifically notes that this grant of site plan waiver is based upon the representations of the Applicant that are hereinafter set forth as express conditions of this waiver approval which include the conditions contained in the report of the Township Planner dated February 4, 2004.

16) The Applicant also requested that due to the charitable nature of the event the Board grant site Plan waiver approval for multiple years. The Planning Board finds that under the circumstances presented it is appropriate to grant this approval for the event proposed in June of 2004 as well as for an event to be scheduled in 2005 provided that the Applicant give adequate notice to the Municipality at least sixty days in advance of the proposed event and comply with all of the terms and conditions set forth herein.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of Colts Neck on this 9th day of March 2004 that the application of **FRANK MADDEN** for Waiver of Site Plan Approval be and is hereby granted which approval shall be, and is hereby, expressly conditioned upon compliance with the following terms and conditions:

GENERAL CONDITIONS -

- 1) This approval is subject to the accuracy and completeness of the submissions, statements, exhibits

and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated herein by reference and specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on Notice to the Applicant) that a breach hereof has occurred.

2) In the event that any documents require execution in connection with the within approval, such documents will not be released until all of the conditions of this approval have been satisfied unless otherwise expressly noted.

3) No taxes or assessments for local improvements shall be due or delinquent on the subject property.

4) The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvements and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits with the municipality as are necessary to fund anticipated continuing municipal expenses for such professional services, if any, in connection with

the Application for Development as may be authorized by the Municipal Land Use Law.

5) Any and all notes, drawings or other information contained on any approved plans shall be conditions of this approval.

6) Nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental entity.

SPECIAL CONDITIONS -

1) This approval is limited to two (2) events. The first shall be conducted on the weekend of June 19th and 20th 2004. The second will be conducted on a weekend in 2005 to be announced and for which the Applicant shall provide a minimum of sixty days advance notice to the Municipality. This approval will also extend to the necessary set up and breakdown period which will consist of a total of approximately twenty-five (25) days.

2) The Applicant shall provide an executed lease for this event of a portion of Block 19, Lot 10 sufficient to create a fifty (50) acre tract for the event.

- 3) The Applicant shall provide protective fencing along Laird Road during the event in order to prevent pedestrian movement into the roadway.
- 4) The Applicant shall provide police traffic control as determined to be necessary and appropriate by the Township Administrator and Police Chief.
- 5) There shall be no lighting in connection with the event with the exception of the horse stall area which will occur only during the duration of the actual event.
- 6) Any and all traffic control signs will be in accordance with the requirements of the Colts Neck Township Development Regulations Ordinance.
- 7) All port-o-john facilities and food vendor areas shall be subject to health officer inspection and approval.
- 8) All generators, water tanks and the like shall be subject to Construction Official and Fire Official approvals.
- 9) The Applicant shall obtain any and all necessary permits from the Township Administrator and from any and all governmental authorities.

10) The Applicant shall arrange for appropriate, temporary "no parking" signs along Laird, Cross and Muhlenbrink Roads during the days of the event.

11) The Applicant shall provide individual notice of the event, a minimum of thirty (30) days prior to the event, to all property owners within 200 ft. of the subject property.

12) The Applicant shall provide such certificate of liability insurance as may be required by the Township Administrator in connection with the application for temporary horse show permit.

13) The Applicant shall comply with any and all other conditions or recommendations set forth in the report of the Township Planner dated February 4, 2004 that are not otherwise specifically set forth herein.

BE IT FURTHER RESOLVED that a written copy of this Resolution certified by the Secretary of the Planning Board to be a true copy be forwarded to the Applicant, Construction Code Official and Code Enforcement Official of the Township of Colts Neck.

BE IT FURTHER RESOLVED that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Township.

OFFERED BY: Malinowski

SECONDED BY: Burry

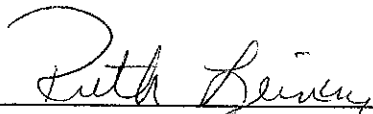
ROLL CALL:

YES: Barbagallo, Malinowski, Burry, Forrester,
Kostka, McBride, McGarry, Robinson and Orgo

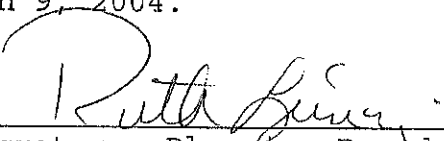
NO: None

ABSTAIN: None

ABSENT: None


Secretary, Planning Board
Township of Colts Neck

I certify that the above is a true and exact copy of the
Resolution passed by the Planning Board of the Township of Colts
Neck at its meeting held on March 9, 2004.


Secretary, Planning Board
Township of Colts Neck