

**TOWNSHIP OF COLTS NECK
PLANNING BOARD MEETING
JANUARY 12, 2010 MINUTES**

The Chairman 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 by regular mail a notice to the Colts Neck Calendar and the Asbury Park Press and that a copy is on file in the Office of the Township Clerk. I further order that this public announcement be placed in the minutes of this meeting."

Salute the Flag

Roll Call:

Present: Orgo, Kostka, Florek, Schatzle, Corsi, Crossan (5 minutes late), Hennessy, Malinowski, Robinson, Powell and Singer-Fitzpatrick
Absent: None
Also Present: Timothy Anfusio, P.P., Glenn Gerken, P.E., Julie McGowan, C.L.A., Mike Steib, Esq., and Ruth Leininger

Mr. Malinowski asked Mr. Robinson for a report from the nominating committee. Mr. Kostka stated that the nominating committee nominated Tom Orgo as Chairman, Dave Kostka as Vice-Chairman and Ruth Leininger as Secretary. There were no other nominations from the floor. Mr. Robinson made a motion to close nominations and this was seconded by Mr. Powell and unanimously carried.

Motion to approve the full slate:

OFFER: Robinson
SECOND: Powell
Present: Orgo, Kostka, Florek, Schatzle, Corsi, Hennessy, Malinowski, Robinson and Powell
NEGATIVE: None

The meeting was turned over to Mr. Orgo. Mr. Orgo made the following appointments:

Street Coordinator: Joe Powell
Long Range Planning Committee: Orgo, Kostka and Crossan
Affordable Housing Subcommittee: Orgo, Malinowski and Robinson

Motion to appoint Township Engineer: Glenn Gerken, P.E.

OFFER: Malinowski
SECOND: Kostka
AFFIRMATIVE: Orgo, Kostka, Florek, Schatzle, Corsi, Crossan, Hennessy, Malinowski and Robinson
NEGATIVE: None

Motion to appoint Planning Board Attorney: Michael B. Steib, Esq.

OFFER: Malinowski
SECOND: Robinson

AFFIRMATIVE: Orgo, Kostka, Florek, Schatzle, Corsi, Crossan, Hennessy, Malinowski and Robinson
NEGATIVE: None

Motion to appoint Landscape Architect: Julie McGowan

OFFER: Malinowski

SECOND: Crossan

AFFIRMATIVE: Orgo, Kostka, Florek, Schatzle, Corsi, Crossan, Hennessy, Malinowski and Robinson

NEGATIVE: None

Approval of Minutes:

December 8, 2009 Minutes Approved:

OFFER: Malinowski

SECOND: Crossan

AFFIRMATIVE: Orgo, Florek, Crossan, Malinowski, Robinson and Powell

NEGATIVE: None

RESOLUTIONS:

None

ADMINISTRATIVE ITEMS:

None

OLD BUSINESS:

None

NEW BUSINESS:

PB663A – Birdsall – Block 46, Lot 16 – 310 Route 34

Application for a Deviation to the approved Preliminary and Final Major Site Plan to permit medical use on the second floor.

Chairman Orgo had to recuse himself from this application and turned the meeting over to Vice Chairman Kostka.

Sal Alfieri, Esq. represented the applicant. Dr. Giovine and A.J. Garito were both sworn. Nine items were marked as exhibits – application, amended site plan, description of operations, Environmental Commission report, Board of Health comments, Township Planner’s report, Township Engineer’s report, revised site plan and architectural plans.

Mr. Garito reminded the Board this application was approved in 2008 restricting medical use to only the first floor and the second floor as professional business offices. They are now looking for a deviation to permit a medical use on the second floor. The first floor has four exam rooms and they

would like to get permission to have two medical exam rooms on the second floor that would be ancillary to Dr. Giovine's practice. If the upstairs was rented out there is the potential of six offices, a much more intense use than what they are proposing. The applicant is asking for a variance to permit 20 parking stalls where 23 is required; however this calculation does not include the second floor staircase and elevator because a variance was granted for this in the original approval. If these areas are included in the calculations, the amount of parking required would increase to 24 stalls.

Dr. Giovine told the Board he is an OBGYN with offices in Little Silver and Lakewood. The Colts Neck office is smaller with a lower volume of patients. Patients are scheduled one every half hour with only one doctor in the office at a time. He would like to have a lab upstairs enabling the patients to simply go upstairs to have blood work and mammograms performed. It is envisioned there would be a maximum of one person working the desk, one doctor and one nurse working upstairs. The upstairs will also have a lunch room or consultation room that is not provided downstairs. Dr. Giovine is willing to restrict the approval stating if the use changes from a women's health care facility the approval would revert back to the original approval. Dr. Giovine felt if they rented the upstairs as office space they would lose control of the amount of people visiting the site and using parking. They felt this was a good compromise. Open to the public with no comments.

The Board was concerned this would set a bad precedent and be very hard to enforce. The original application was seeking medical approval for the second floor as a separate use, but they are now asking for a medical use to be ancillary to Dr. Giovine's practice. When discussing limiting the second floor use to specific medical uses Dr. Giovine did not want that restriction stating he was not certain who would be using the space. This gave the Board further concern that any type of medical use could use the offices.

The Board decided to have Mr. Steib, Esq. draft a resolution outlining their concerns to see if it was something they would be comfortable approving such as limiting the second floor medical use to an ancillary women's health care facility and restricting the second floor to two examination rooms with a maximum of three employees. If the Board approves of the resolution they will approve and memorialize the resolution next month.

Motion Directing Mr. Steib to Prepare a Draft Resolution:

OFFER: Crossan

SECOND: Malinowski

AFFIRMATIVE: Kostka, Florek, Schatzle, Corsi, Crossan, Hennessy, Malinowski, Robinson and Powell

NEGATIVE: None

DISCUSSION:

Master Plan Re-Examination Report

Mr. Anfuso stated last month when he reviewed the reexamination report in detail with the Board he was given a few suggestions that were incorporated in this report and maps were added. It was requested the maps be revised to include the streams in Earle Naval Base.

There was also discussion regarding the Light Industrial Zone. The Board wanted to change the wording to make sure they did not hurt any property owners.

Mr. Anfuso stated he would make the amendments and schedule a public hearing for February 9, 2010.

Chairman Comments

Mr. Orgo recommended to the Board that if an applicant is revising an application they should come back to the Board with all revisions so they can vote on a complete application.

Mr. Orgo also wanted to thank Sal Barbagallo for his years of service and dedication to the Planning Board. He authorized Mr. Anfuso to order a plaque stating this on behalf of the Board.

MOTION TO ADJOURN

A motion to adjourn was made by Mr. Malinowski at 9:50 p.m. and this was seconded by Mr. Kostka 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 January 12, 2010 adopted by the Planning Board of the Township of Colts Neck at its meeting held on February 9, 2010.

Ruth Leininger, Secretary
Planning Board of the
Township of Colts Neck of Colts Neck