

**TOWNSHIP OF COLTS NECK  
PLANNING BOARD MEETING  
FEBRUARY 9, 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 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, Crossan (five minutes late), Hennessy, Malinowski, Robinson, Powell and Singer-Fitzpatrick

Absent: Corsi

Also Present: Timothy Anfusio, P.P., Glenn Gerken, P.E., Julie McGowan, C.L.A., Mike Steib, Esq., and Ruth Leininger

**Approval of Minutes:**

January 12, 2010 Minutes Approved:

OFFER: Kostka

SECOND: Robinson

AFFIRMATIVE: Orgo, Kostka, Florek, Schatzle, Hennessy, Malinowski, Robinson, Powell, Singer-Fitzpatrick

NEGATIVE: None

**RESOLUTIONS:**

None

**OLD 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 recused himself from this application and turned the meeting over to Vice Chairman Kostka.

Mr. Alfieri, Esq. told the Board they completed their testimony last month but he wanted to clarify a few items with the Board. He stated they would put in all tenants leases that they must comply with the resolution of approval. However a medical practitioner can not limit a tenant to only see patients that he refers to them. The Board asked for some type of documentation of this.

Dr. Anthony Giovine, applicant – sworn. Dr. Giovine stated he did not have any documentation with him but this is what he was told. He stated he has lived in Colts Neck over 30 years and would not do anything that was not good for the town. He has been using the building for several months and has not had any parking issues; he only schedules one patient every twenty minutes. He has this same procedure in place in his offices in Lakewood and Little Silver and the labs draw 99% of blood from his patients. He has showed his prospective tenants the resolution and both state they will comply. The applicant requested the resolution be limited to “women’s health care” and not to an OBGYN office. Dr. Giovine explained the mammograms will only be taken in the office; then they will be electronically transferred to someone that will read them off-site. Open to the public with no comments.

Some members felt this was a self inflicted hardship. The Board discussed the original application and reason the restriction was originally put on the building. Many Board members agreed that as long as the Doctor owned the building it would be in his best interest to not let the upstairs tenants fill the parking lot. It was also thought that the proposed controlled medical use would generate less parking than most types of general business offices.

Motion to Approve the Application and Memorialize the Resolution as Amended:

OFFER: Hennessy

SECOND: Crossan

AFFIRMATIVE: Florek, Schatzle, Crossan, Hennessy, Robinson, Powell and Singer-Fitzpatrick

NEGATIVE: Kostka and Malinowski

**NEW BUSINESS:**

None

**ADMINISTRATIVE ITEMS:**

Public Hearing for Master Plan Re-Examination Report

Township Planner Tim Anfuso told the Board the Re-Examination Report has been amended to incorporate all comments the Board previously gave, otherwise it is the same document they have reviewed the past two months.

The Chairman opened the hearing to the public with no comments.

The Board was very pleased and thanked Mr. Anfuso on the wonderful job he did.

Motion to Adopt and Memorize the Resolution:

OFFER: Malinowski

SECOND: Kostka

AFFIRMATIVE: Orgo, Kostka, Florek, Schatzle, Crossan, Hennessy, Malinowski, Robinson,  
Powell, Singer-Fitzpatrick

NEGATIVE: None

**DISCUSSION:**

Mr. Anfuso advised the Board the new governor has put a 90 freeze on COAH; this is something we should all keep an eye on.

**EXECUTIVE SESSION**

None

**MOTION TO ADJOURN**

A motion to adjourn was made by Mr. Kostka at 8:50 p.m. and this was seconded by Mr. Robinson 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 9, 2009 adopted by the Planning Board of the Township of Colts Neck at its meeting held on March 9, 2009.

---

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