

**TOWNSHIP OF COLTS NECK  
PLANNING BOARD MEETING  
JULY 9, 2013 MINUTES**

Mr. Powell 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: Powell, Orgo, Corsi, Kostka, Leccese, Lutkewitte and Robinson  
Absent: Crossan, Fitzgerald and Singer-Fitzpatrick  
Also Present: Timothy Anfusio, P.P., Mike Steib, Esq. and Ruth Leininger

**Approval of Minutes:**

June 11, 2013 Minutes Approved:

OFFER: Orgo  
SECOND: Corsi  
AFFIRMATIVE: Powell, Orgo, Corsi, Kostka, Leccese, Lutkewitte and Robinson  
NEGATIVE: None

**RESOLUTIONS:**

**PB629B – Flancaum – Block 33, Lot 20 – 88 Route 537**

Memorialization of Resolution for Deviation to the Preliminary and Final Major Subdivision Approval. The applicant is requesting to eliminate the masonry columns and fencing along the perimeter of the tract for the portions which are not in the Scenic Corridor Easement and to transfer the long term maintenance of the entrance island from Lot 20.03 to Lot 20.01.

Motion to Memorialize the Resolution:

OFFER: Orgo  
SECOND: Robinson  
AFFIRMATIVE: Powell, Orgo, Corsi and Robinson  
NEGATIVE: None

**ADMINISTRATIVE ITEMS:**

**Review Ordinance 2013 – 9, Wireless Telecommunications, Towers and Antennas Ordinance**

Mr. Anfuso explained the current Ordinance pertaining to cell towers is subject to legal challenge by stipulating that all new cell towers are only permitted on municipal property. This new ordinance also allows towers on farms with 30 acres or more and stipulates a 200’ front yard setback and 100% of the tower height as side and rear setbacks. There is also a height limitation, buffer requirements and minimum distances required between towers.

Mr. Corsi had concern with the side and rear setback requirement and thought it should be increased to a minimum of 200’ but others thought it was adequate as written.

Motion to approve the Farmland Preservation Element of the Master Plan:

OFFER: Kostka

SECOND: Robinson

AFFIRMATIVE: Powell, Kostka, Leccese, Lutkewitte and Robinson

NEGATIVE: Corsi

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**PB703A – Orchards Shopping Center – Block 46, Lots 13 & 14 – 340 Route 34**

Application for Deviation to Preliminary and Final Major Site Plan to modify the Declaration of Restrictive Covenant regulating the parking requirements.

Five items were marked as exhibits – site plan, Engineer’s review, application, Planner’s review and Board of Health comments. Sal Alfieri, Esq. represented the applicant.

Mr. Alfieri explained the Board granted a variance to permit 182 parking spaces where 208 are required and a Declaration of Restrictive Covenant had to be recorded. There is a new tenant, a dentist, who will be filling an vacant space and the applicant is proposing to modify the Parking Requirement by Use Chart contained in the Declaration of Restrictive Covenant that was recorded. The applicant intends to reallocate the parking requirements by removing one barber shop seat and adding one exam room to the second floor medical use. This change will not affect the overall parking requirement and if approved the property will still have 182 stalls where 208 are permitted by variance.

Mr. Anfuso stated he visited the shopping center and the Bagel store has two more seats than what they were approved for, the applicant stated they would have the extra seats removed. Mr. Anfuso also noted there are some outside tables that block access, the applicant stated they will move the tables so they do not block walkways or hinder pedestrian movements.

The Board felt that the new deed restriction should allow any change of tenants/uses in the shopping center be approved administratively in the future, as long as the total parking requirements (208) are not exceeded.

The applicant also requested to allow the construction permit to be issued prior to memorializing the Resolution and recording the new Deed Restriction. The Board approved their request after requiring the applicant to sign a release indicating that a Certificate of Occupancy for the dentist office will not be issued until the Resolution is memorialized and a new Deed Restriction is recorded in the County Clerk's Office.

Motion to approve the application:

OFFER: Kostka

SECOND: Orgo

AFFIRMATIVE: Powell, Orgo, Corsi, Kostka, Leccese, Lutkewitte and Robinson

NEGATIVE: None

**DISCUSSION:**

None

**MOTION TO ADJOURN**

A motion to adjourn was made by Mr. Kostka at 7:55 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 July 9, 2013 adopted by the Planning Board of the Township of Colts Neck at its meeting held on August 13, 2013.

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