

**TOWNSHIP OF COLTS NECK  
PLANNING BOARD MEETING  
AUGUST 9, 2016 MINUTES**

Mr. Kostka 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: Kostka, Robinson, Fitzgerald, Orgo, Corsi (25 minutes late), Crossan, Leccese, Powell and Singer-Fitzpatrick

Absent: Lutkewitte and D'Eletto

Also Present: Glenn Gerken, P.E. and Mike Steib, Esq.

**APPROVAL OF MINUTES:**

June 14, 2016 Minutes Approved:

OFFER: Fitzgerald

SECOND: Robinson

AFFIRMATIVE: Kostka, Robinson, Fitzgerald, Leccese and Singer-Fitzpatrick

NEGATIVE: None

**RESOLUTIONS:**

None

**ADMINISTRATIVE ITEMS:**

**Consistency Review of Wireless Telecommunications, Towers and Antennas Ordinance**

Mr. Anfuso explained the ordinance was designed to comply with the relaxed and expanded collection exemption requirements developed by the FCC as well as to establish new provisions to encourage the use of Small Network Nodes to service small target areas.

Ordinance is Consistent with the Master Plan:

OFFER: Crossan

SECOND: Powell

AFFIRMATIVE: Kostka, Robinson, Orgo, Fitzgerald, Crossan, Leccese, Powell and Singer-Fitzpatrick

NEGATIVE: None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**PB719A- Amboy Road Associates – Block 39, Lot 11.01 – Route 537 & Lakeside Avenue**

Application for a deviation to the Resolution granting Final Major Subdivision Approval to amend Special Condition No. 3 to remove the requirement of securing NJDEP audit and approval of an unrestricted RAO prior to recording the Final Plat.

Sal Alfieri, Esq. represented the applicant. Seven items were marked as exhibits – Resolution granted June 14, 2016, correspondence from Sal Alfieri, Esq. dated July 14, 2016, correspondence from Brinkerhoff Environmental Services dated June 21, 2106, report from Township Planner, report from Fire Marshall, Architectural Review Committee's comments and report of LSRP Rohan Tadas.

Mr. Alfieri explained the applicant was granted Final Major Subdivision Approval on June 14, 2016. The Resolution included Special Condition No. 3 to remove the requirement of securing NJDEP audit and approval of an unrestricted RAO prior to recording the Final Plat.

Laura Brinkerhoff, Licensed Site Remediation Professional (LSRP) – sworn. Ms. Brinkerhoff explained she submitted a request for audit and approval of unrestricted use response action outcome (RAO) for this property approving her determination that the elevated arsenic levels are naturally occurring and do not require any remediation. This request was made March 2016 and the NJDEP has a period of three years to decide whether to review and audit the report. If no audit is performed within the three years the RAO becomes final. Ms. Brinkerhoff stated she has prepared 116 RAO's since the program began and only eight were audited by the NJDEP and none have been invalidated. Ms. Brinkerhoff also stated she follows the NJDEP protocol strictly and conservatively and it is highly unlikely that it will be audited or overturned.

The Board was concerned with those purchasing lots will have no knowledge of the elevated arsenic levels in the soil. The applicant said they would place a disclosure notice in the contracts that must be initialed by the purchaser and the Resolution granting the subdivision also requires the applicant to record the RAO with the Monmouth County Clerk.

Open to the public with no comment. The Board felt homeowners would be sufficiently notified prior to the purchase of the property however they wanted to approve the language that will be in the contract. Chairman Kostka asked the applicant to prepare the disclosure statement prior to the Board granting approval and directed Mr. Steib, Esq. to have a Resolution prepared that the Board could grant and memorialize at the September meeting if they approved.

The applicant granted an extension of time to September 30, 2016. This application was carried to September 13, 2016 with no further notice.

### MOTION TO ADJOURN

A motion to adjourn was made by Mr. Leccese at 8:35 p.m. and this was seconded by Mr. Powell 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 August 9, 2016 adopted by the Planning Board of the Township of Colts Neck at its meeting held on September 13, 2016.

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