

Township of Manalapan

120 Route 522 & Taylors Mills Road

Manalapan, NJ 07726

(732) 446-8350

Planning Board Minutes

Virtual Meeting

July 23, 2020

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:30 p.m. followed by the salute to the flag.

Roll Call: Acting Secretary, Lisa Urso-Nosseir

In attendance at the meeting: Barry Fisher, Todd Brown, John Castronovo, Alan Ginsberg, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Steve Kastell, Brian Shorr

Absent from the meeting: Daria D'Agostino, Richard Hogan

Also present: Ronald Cucchiaro, Planning Board Attorney
Brian Boccanfuso, Planning Board Engineer
Jennifer Beahm, Planning Board Planner
Lisa Urso-Nosseir, Recording Secretary

Mr. Cucchiaro swore in Brian Boccanfuso, Professional Engineer and Jennifer Beahm, Professional Planner.

Minutes:

A Motion was made by Mr. Fisher, Seconded by Mr. Jacobson to approve the Minutes of July 9, 2020 as written.

Yes: Fisher, Brown, Castronovo, Ginsberg, Kwaak, McNaboe, Jacobson, Kastell, Shorr

No: None

Absent: D'Agostino, Hogan

Abstain: None

Not Eligible: None

**Resolution: PMS1919 ~ The Evangelical Church of the Assemblies of God
620 Craig Road ~ Block 25 / Lot 14
Preliminary Major Site Plan**

A Motion was made by Mr. Castronovo, Seconded by Mr. Fisher, to approve the Resolution for PMS1919 as written.

Yes: Fisher, Brown, Castronovo, Kwaak, McNaboe, Jacobson, Kastell,
Shorr
No: None
Absent: D'Agostino, Hogan
Abstain: None
Not Eligible: Ginsberg

Public Hearing: Housing Plan Element and Fair Share Plan

Mr. Cucchiaro explained that the New Jersey Supreme Court had ruled several decades ago that every municipality has a constitutional obligation to provide a realistic opportunity for the construction of moderate and low income housing. If towns do not comply with this mandate, they expose themselves to what is called a 'builders remedy' which essentially means that developers can sue the municipality to build whatever they want, wherever they want. Each municipality has been assigned a number of units that they must comply with. Each municipality was offered to voluntarily go to court and establish that number and how they were going to achieve such number. Manalapan worked out their Fair Share allocation that the court has agreed with. In order to achieve that settlement, the municipality is ordered by the Supreme Court to both have an element in their Master Plan and adopt zoning ordinances.

This is a policy document; this is not a zoning ordinance. It sets up the policy goals that zoning ordinances would be based upon. Jennifer Beahm, the Board's Planner, will go through the requirements as set forth. Mr. Cucchiaro said this process is mandated by the New Jersey Supreme Court.

Jennifer Beahm compiled the draft of the Housing Element and Fair Share appendices. This is a required element of the Master Plan. She explained how data is compiled from the Census. Ms. Beahm stated some of the facts about Manalapan Township as a whole, including its size of 31 square miles, the population in 2018 being 39,853 and other various demographic matters pertaining to the Township vs Monmouth County.

Our third round obligations, which run from 1995-2025, have been determined to be 808 credits of new construction. There are also rehabilitation numbers, which are 73 credits. If an income eligible participant needs help bringing a property up to code, a new roof, etc., then the Town would provide them with a set amount of

funds. If they stay in the unit for 10 years or longer, the fee is forgiven. These monies come out of an affordable housing trust fund - it is not tax payers dollars; it comes from developers into a separate trust fund.

Ms. Beahm displayed on the screen the site for Manalapan Crossing which has 50 units for special needs individuals. Next, the aerial imagery for Woodward Estates was displayed and it consists of 130 market rate townhouses and 55 age restricted rentals.

The Willows project is already constructed. It is 80 family units which are 100% affordable.

The Skeba project on Route 33 received approval for a 55+ community in the rear of the property known as Four Seasons at Manalapan Brook. The front 14 acres will be a 100 unit, 100% affordable family rentals.

Meridian Living is an assisted living facility. Every assisted living facility is required to have beds for Medicaid patients, which is about 10%, or 12 beds. The Town can take credit for 12 Medicaid beds in that facility.

Next was Stavola, which is a multi-faceted project. It's about 70 acres on the corner of Woodward and Route 33 with commercial, office, assisted living and 145 family rentals/townhouse, and 45 are affordable along with 10 Medicaid beds. It gives us 55 credits towards the 808 obligation.

The next project is on Iron Ore Road and Route 33, on the border of Millstone. Toll Brothers would be the developer. It is a total of 320 units, 96 of which are affordable.

American Properties is about 25 acres located in front of Knob Hill. It would consist of 103 market rate for sale units; 29 affordable units and 19,000 sq ft of commercial along Route 33.

The Sobeckho Road development is across from the Englishtown Auction and is about 30 acres. This will consist of 175 for sale units, and 75 affordable units.

The Franklin Lane project is about 10 acres and consists of 168 units, 51 of which are affordable family rentals. The green buffer will remain in place.

This cycle of rules and regulations requiring Manalapan to provide 808 moderate and low income housing concludes in 2025. After that, there will most likely be another set of rules and numbers to tackle at that point. If the court accepts our plan, we would be issued a Judgment of Repose until 2025 which will protect the Town from the developers from building what they want, where they want.

Mr. Cucchiaro asked Ms. Beahm to speak about the site suitable criteria and what were the necessary factors that the Town required. Each project had to be able to capable of producing a project that was compliant with RSIS, correct? Ms. Beahm said yes correct and access to public sewer and water.

Mr. Fisher asked if the Master Plan will designate these areas? Ms. Beahm said yes the site required zoning, which has already been put into place. Any application would have to appear before the Planning Board for Site Plan and/or Subdivision approval.

Mr. Castronovo asked about the 808 obligation. Were the existing projects considered in this number? Ms. Beahm said those existing projects went towards the previous rounds to meet the 706 number.

Chair Kwaak asked about Manalapan Crossing affordable obligation. Ms. Beahm said she believes she spoke about Manalapan Crossing when Chair Kwaak temporarily lost power. The Manalapan Crossing project has been added to the 808 obligation.

Mr. Shorr asked about Woodward Estates and how many units are proposed. Ms. Beahm said 185 total and consists of 130 market rate townhouses and 55 age restricted rentals on 150 acres.

Mr. Cucchiaro stated that since Chair Kwaak has opened the hearing to the public for comments and questions, he will swear each individual in and ask for the spelling of their name and their address.

Mr. Cucchiaro swore in Anna Sigona, 400 Gold Court. Ms. Sigona's question was regarding the Woodward Estates development. She stated that the Planning Board denied an application for this property in 2010. She would like the area to remain rural in nature. Ms. Beahm said that unfortunately the courts do not take into consideration the school enrollment. Mr. Cucchiaro said the courts limit the amount of age restricted housing.

Mr. Cucchiaro swore in Ryan Silsbe, 500 Gold Court. He had concerns with the Woodward Estates development. He stated that a majority of the property for Woodward Estates is wetlands and how can it be low density when only a small portion can be used? Ms. Beahm said the density is a formula. The property consists of 160 acres. Even if you subtract out the 100 acres for wetlands, there are still 60 developable acres and that is significantly less dense based on the math. Mr. Silsbe disagreed and said Manalapan should choose a more appropriate project. Ms. Beahm said it is typical to have sites with environmental constraints.

Mr. Cucchiaro swore in Maritza Ramierz, 140 Millhurst Road. She wanted to know if there are any exits or entrances decided for Woodward Estates yet. Ms. Beahm

said the applicant will have to come before the Planning Board to hear the specifics on the proposal at that time. She is concerned with the increased traffic for Millhurst Road.

Mr. Cucchiaro swore in Paul Pohlid, 107 Millhurst Road. He asked why the Board has waited to inform the public about the affordable housing that is due on Friday. Ms. Beahm said this has publicly approved by the Township Committee back in January 2020. Mr. Pohlid has a small farm and believes this affordable housing will devalue his property.

Mr. Cucchiaro swore in Jennifer O'Brien, 200 Gold Court. She asked for a history of the Woodward Estates proposal and why it came in last minute. Ms. Beahm said the shut down of Marion Manor caused the plan for Woodward Estates to move forward.

Mr. Cucchiaro swore in Kerri Silsbe, 500 Gold Court. She noted the environmentally sensitive areas within the proposed Woodward Estates proposal should not be disturbed. Ms. Beahm said the DEP has jurisdiction over the environmentally sensitive areas and there is an appropriate developable area for this proposal. Ms. Silsbe wanted to know if there was a different site available and Ms. Beahm explained why this site was chosen. Ms. Beahm said the Township does allow for clustering in this zone.

Mr. Cucchiaro swore in Matt Murphy, 300 Gold Court. He was concerned that his neighbors were not involved in hearing this evening since they didn't know how to join the virtual meeting. Mr. Cucchiaro said instructions were available for the public. Mr. Murphy asked if these virtual meetings could be delayed but Mr. Cucchiaro said the court is not going allow us to just 'wait' until all the COVID-19 restrictions are lifted.

Mr. Cucchiaro swore in Joseph Szatkowski, 144 Millhurst Road. He believes there is an alternate site for Woodward Estates. He requested more research for a different location.

Paul Pohlid had another question regarding the Judge not allowing the delay. Mr. Cucchiaro said the Supreme Court Judge has issued several mandates stating that the affordable housing matters must move forward. Ms. Beahm said there are no further extensions - next Friday is the absolute deadline.

A Motion to close public was made by Mr. Fisher, Seconded by Mr. Brown and agreed to by all.

Mr. Cucchiaro said we are in unprecedented times. The case is five years old, a decision has been made and there is no opportunity to extend this any further. No matter what the form of the meeting; whether in person or virtual, there will

be some category of person that finds it difficult to attend. The Board has done its utmost to accommodate the public under the circumstances. While not perfect, the process was constitutionally compliant with the detailed directives from the DCA.

Mayor McNaboe expressed his concern that the affordable housing matters could not be extended, even in the midst of a pandemic. He mentioned that Woodward Estates was originally a 300+ unit project and it has been reduced in size. He understands the frustration of the residents regarding being forced to take on these projects that will overload the schools and roads.

A Motion was made by Mr. Brown to accept Ms. Beahm's report to amend the Housing Element and Seconded by Mr. Kastell.

Yes: Fisher, Brown, Castronovo, Ginsberg, Kwaak, McNaboe, Jacobson,
Kastell, Shorr
No: None
Absent: D'Agostino, Hogan
Abstain: None
Not Eligible: None

Chairwoman Kwaak opened the floor to any non-agenda items; seeing none, it was closed. She added that the next meeting will be August 13, 2020 and there are a number of pending applications at this time.

Adjournment

A Motion to adjourn the meeting was made by Mr. Kastell and agreed to by all.

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary

A recorded CD or DVD of the meeting is available for purchase by contacting the Planning Board Office.