

Township of Manalapan
120 Route 522 & Taylors Mills Road
Manalapan, NJ 07726
(732) 446-8367

Planning Board Minutes

Virtual Meeting

January 27, 2022

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:31 p.m., followed by the salute to the flag.

Roll Call: Daria D'Agostino, Secretary

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

Absent from meeting: All Present

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. Castronovo to approve the Minutes of January 13, 2022 as written.

Yes: Fisher, Brown, Ginsberg, Castronovo, D'Agostino, Kwaak, McNaboe, Jacobson, Hogan

No: None

Absent: None

Abstain: None

Not Eligible: Kastell, Shorr

Resolutions: **PPM2060~JG2 Manalapan Residential Development, LLC**
Franklin Lane ~ Block 7 / Lots 14.03 & 15.01
Preliminary and Final Major Site Plan

A Motion was made by Mr. Brown, Seconded by Mr. Jacobson to approve the Resolution for PPM2060~JG2 Manalapan Residential Development, LLC, as written.

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

Application: **PMS2061 ~ Anthony Mazzei**
314 Tennent Road
Block 19 / Lot 40.01
Preliminary Major Subdivision

Salvatore Alfieri, Esq. of Cleary, Giacobbe, Alfieri and Jacobs represented the applicant, Anthony Mazzei, this evening. This is a three-lot subdivision to be constructed off of Tennent Road with a private roadway. Mr. Alfieri said the applicant's engineer is ready to testify.

Mr. Cucchiaro swore in John J. Ploskonka, Professional Engineer with over 50 years experience in the State of New Jersey. Mr. Ploskonka explained to the Board that his client is seeking Preliminary approval. Mr. Ploskonka shared Exhibit A1, a colored rendering of the subdivision plan. It shows the driveway going in, and where the three homes will be located. The property is 9.62 acres and his client would like to have three homes constructed for himself and family members. The driveway would be 22' wide at the front, and towards the back the last 200' would be 28' wide. Mr. Ploskonka reminded the Board that this property was approved in 2009 for a six lot subdivision. All the approvals from DEP were in place for the six single lots. At the time, the recession made it impossible to move forward with the homes. Time went by and the project approvals expired. The Town then rezoned the property to three acre zoning.

Mr. Ploskonka explained the three homes will be part of a HOA which will maintain the driveway area, the detention area and the site. The property is constrained by wetland buffers, a flood hazard area and the Township stream corridor buffer. Mr. Ploskonka pointed out the conservation easement on the exhibit. Properties to the

south are single homes on half acre lots. Properties to the north are RE zoned, or three acre lots.

Mr. Ploskonka explained that they are only seeking Preliminary approval this evening because they are waiting on DEP approvals. They did apply to DEP back in September for a LOI and a FHA. They are being worked on currently, but between Covid and people working from home, things are extremely slow. Since those elements are not approved yet, they are only seeking Preliminary at this time.

Mr. Ploskonka said they are seeking variance relief because there isn't any street frontage except for the first lot. There is zero lot frontage for lots two and three. They are seeking those variances and they believe they are justified. They have been to Monmouth County regarding the Tennent Road improvements. Shari Spero visited the site regarding saving some of the oak trees in the right rear corner of the property.

Mr. Ploskonka has met with Mike Lennox of the Fire Bureau. Mr. Lennox originally thought this was a public street, but he clarified that for him. He did agree to what we are doing on the plan, except now we are expanding the roadway to 28' for 200' so cars can park for a party. We are doing a hammerhead where a truck can turn around. Mr. Lennox has a better understanding of the project. Mr. Cucchiaro added that he saw Mr. Lennox's email stating that he didn't have an issue, but he had to run it by the other members of the Fire Bureau.

Ms. Beahm asked Mr. Ploskonka about front yard setback for the front lot. There is actually no front yard - how do you have a front yard variance? Mr. Ploskonka said if the house faced a road, it would need a front yard setback variance. Ms. Beahm said the front yard has to abut a public street, therefore no variance is needed. Mr. Boccanfuso agreed that relief is not required due to the orientation of the rear house. Ms. Beahm said it would be a side setback and we asked in our letter that architectural are submitted before Final. Mr. Cucchiaro said MLUL states that this is a planning variance, and falls under a different section under the MLUL. Mr. Alfieri said the architect is present this evening and he would be happy to go over the architectural with the Board.

Mr. Ploskonka spoke of CME's report with technical comments and he agreed to comply with all the requirements. Mr. Alfieri asked Mr. Ploskonka to describe the stormwater management and utilities for the site. Mr. Ploskonka said the water line will be served by Gordon's Corner Water Company. There is sanitary sewer coming from Tennent Road and it would serve all the drainage taken from the front to the back and there is a small detention area by the third house and it discharges into the stream in the right rear corner of the property. Gas and electricity will be put into place and the applicant will provide some lighting on the roadway.

Mr. Cucchiaro swore in McKinley Mertz, Professional Planner from Red Bank with an active license in the State of New Jersey and serves as the Board Planner in five different municipalities. She prepared for her testimony tonight by meeting with the team and completed a site visit as well as Mr. Ploskonka's plans. All the lots are conforming to the RE three acre zone. We have a narrow and deep lot and do not have room for all three lots to have frontage for lots 2 and 3. The proposed grade would require a design waiver. The variances fall under the C1 hardship variance since there are exceptional difficulties for the property - the narrowness. There are environmental constraints with this property. Ms. Mertz said these could also go under the C2, that the benefits of granting the variances outweigh the detriments. We are advancing the purposes of the MLUL, specifically purpose 'A' to permit the health, safety and welfare of the community, and purpose 'E' to promote population density, which we are in conformance with. Purpose 'G' to provide sufficient space and appropriate locations for uses of citizens. Finally, purpose 'I' to provide a desirable visual impact through creative developmental techniques. We are maintaining mature trees, and from the roadway you will not be able to see the two far lots from the road.

Ms. Mertz continued with the negative criteria that these homes could be developed without substantial detriment to the public good. Again, all of our setbacks have been met and given the environmental constraints there will be no negative impact on the neighboring properties since there is a natural buffer. Emergency vehicle access is possible and we are minimizing the entrances onto Tennent Road. This will continue to look like a single family lot from Tennent Road. It is Ms. Mertz's opinion that they have met all the positive criteria for the C1 variance, as well as the negative criteria and what we are proposing will not cause any substantial detriment to the public good or the Township's planning documents.

Ms. Beahm stated the planning testimony was very comprehensive and is glad that Ms. Mertz went through the C1 and C2 matters and she takes no exception to the relief that has been requested.

Mr. Boccanfuso stated that Mr. Ploskonka said he would comply with all the recommendations in his report. Mr. Boccanfuso asked about the Township Stream Corridor Buffer averaging, which does not require a variance, but it is not given by right, the Planning Board has the discretion to approve it. Mr. Ploskonka put Exhibit A1 on the screen to show the areas of averaging. He pointed out the narrowness of the property and how it effects the buffer area. Ms. Beahm asked if he was going to monument the area so it is clearly defined. Mr. Ploskonka said they will identify the easement area. Mr. Boccanfuso recommended a split-rail fence, or some type of barrier that will be show on the plan. Mr. Ploskonka said they submitted for a LOI and FHA and when they are approved, we will go back for the transition area waivers where we need them.

Mr. Boccanfuso said this property will comply with the RSIS which requires 2 ½ parking spaces for each home. The overflow parking will help with the widened driveway. Mr. Ploskonka said when all the spots are added up, there are about 21 spaces on this property for the three homes. Mr. Boccanfuso asked about the sidewalk along the frontage. Mr. Ploskonka said we would prefer to give funding to the sidewalk fund.

Mr. Brown asked about access to the back two lots via private driveway needing easements and wanted confirmation that they will comply with all of Mr. Boccanfuso's recommendations in his letter. Mr. Ploskonka said the first 200' are 22' wide, after that it widens to 28' wide. Mr. Brown asked if the utilities would be located underneath the private driveway and Mr. Ploskonka said yes. What would prevent people from parking on the wetlands buffer? Mr. Ploskonka said there would be some type of fencing, such as a split rail fence.

Ms. D'Agostino asked about the pesticides found on the site. How does this affect ground water? Mr. Ploskonka referred to the environmental report and it was indicated if there was an issue, we would follow through with a specialist and remediate any issues. Ms. D'Agostino asked when is this procedure done? Mr. Ploskonka said it would be done before building started. Mr. Alfieri said this plan would be finalized prior to Final. Ms. D'Agostino asked about the wetlands and asked if there was a possibility that the houses could become flooded? Mr. Ploskonka said we are above the 100 year storm, and the basements would be subject to water table examination. Ms. D'Agostino asked if the point brought up by Mr. Lennox regarding the hydrants was rectified? Mr. Ploskonka said Mr. Lennox accepted the hydrant at the entrance, and will follow up with an approval letter. Ms. D'Agostino said the third lot looks to be quite close to the stream line - is that going to be an issue? Mr. Ploskonka said the stream is more than 100' away.

Mr. Fisher asked about the HOA and how the fence, basin and road will be maintained. Mr. Alfieri said as a condition of approval, there will be documentation that establishes the easements and all responsibilities which will be presented to the Board's professionals. Mr. Fisher is concerned about some of the homeowners possibly clearing some of the woods. Would any signage go up indicating it is protected property? Mr. Ploskonka said there will be a fence with some signs on the fence. Ms. Beahm disagrees with putting signage on private property. She would prefer monuments in the ground and the fence.

The Board took a five minute break at 8:26 pm and returned at 8:32 pm.

Mr. Ploskonka shared on the screen one of the markers he has used in the past. They did a 6' high green pole and put the sign on it that says "conservation easement boundary". Ms. Beahm said again, this is on private property. The home owner is

going to take it down. Monuments will work better. Mr. Boccanfuso prefers a fence plus monuments.

Mr. Fisher requested that the details are worked out with the environmental boundary. Additionally, he stated that no curbs mean the grass is going to get ripped up every time a car parks near the edge.

Mr. Jacobson asked about the seasonal high water table and if any investigation has been done yet. Are basements necessary? Can this be done on a slab? Mr. Ploskonka said the six homes that were approved 10 years ago had basements. Mr. Boccanfuso said the separation from basement to seasonal high water table is an ordinance and they have to comply with that, or request relief.

Mr. Shorr would like to make sure the basements are ok and don't create a mess for the homeowners. He also asked how far away are the half acre homes from this property? Mr. Ploskonka said the homes on Devon Drive are 100' away, then the homes are setback 50', so altogether they are at least 150'-200' away from these new homes.

Mr. Castronovo asked how is the sanitation being handled? What about the post office? Mr. Ploskonka said the post office will request that they have a mailbox with three compartments for each home. The trash cans will have to be brought out to Tennent Road. Mr. Castronovo asked about snow removal and Mr. Ploskonka said it would be the HOA responsibility. Mr. Castronovo asked about school busses and Mr. Ploskonka said they would probably pick up on Tennent Road.

Mr. McNaboe said he reviewed the plans and said the basements floors are being built on-grade and then there will be mounding on the property and they'll need relief for that, correct? Mr. Ploskonka said that is correct. Mr. McNaboe asked except for monetary reasons, why are three houses being built? It is a three acre minimum, not a three acre maximum. Why aren't you ripping down the old house and building one house on this lot? There are a lot of environmental issues and how are you going to get construction trucks into the area? It seems like you are creating a real situation for yourself and dragging us into to it as well. We're all going to look back at this and say well, that didn't work. Mr. McNaboe said he has some real apprehensions about this proposal. Mr. Ploskonka said it's three acre zoning for three houses, why would we want to put one house on 9.62 acres? The client came to us and his daughters are looking for house and he wants to have his family there. The Town would not have to worry about snow plowing, etc. He is maintaining everything himself. Mr. Cucchiaro said just because it's a family, the Board is prohibited from taking into account the identity or characteristics of the homeowner. It has to be based purely upon planning principles. Mr. McNaboe wants to see what the mailbox and garage corrals will look like. Mr. Alfieri said we would meet with public works and the post office before we come back for Final.

Chief Hogan wanted to comment about the Fire Bureau's report. He asked Mr. Ploskonka to show where the hammerhead is on the proposal. Mr. Ploskonka showed where the proposed hammerhead area would be on the site and how a truck could come in and turn around easily. Mr. Lennox understands this is a private driveway and the other members of the Fire Bureau were alright with the plan as is. Chief Hogan said he has spoken with Mr. Lennox regarding the private driveway. He asked about the material for the proposed turnaround and requested that the paver-like material be submitted to CME for approval. Chief Hogan liked the idea of the driveway widening to 28'. Chief Hogan asked if there is fire hydrant at the entrance to Tennent Road and that was confirmed. He had no other questions.

Mr. Ginsberg asked for confirmation that it will be more like a driveway, and not a road and that was confirmed. He asked how the elevation of these houses compare to the house on Devon Drive? Mr. Ploskonka said on the topo, the ground is about the same elevation as we are on the new site. Ms. Beahm asked what is the elevation and it was determined it is 82. Mr. Boccanfuso said the first floor elevation is around 90. The proposed grade is roughly 4' higher, but the houses are 200' away.

Chair Kwaak asked about the 28' widening of the driveway. Why can't the whole driveway be 28'? Mr. Ploskonka said the purpose of only widening part of the driveway is for extra parking, such as a party. Chair Kwaak said how are you going to prevent people for the party from parking in the hammerhead turnaround? Mr. Ploskonka said the area will have to be identified. Chair Kwaak asked him to run that through the Fire Bureau, please. Chair Kwaak asked for confirmation that the existing septic and well will be abandoned and that was confirmed. Chair Kwaak suggested a stronger fence, such as PVC, for strength and durability. Chair Kwaak asked if there is Belgium block going up the driveway? Mr. Ploskonka said his client would like to do that on both sides.

Mr. Kastell asked has the snow issued been addressed? The driveway will be tight now with snow. Ms. Beahm added that these are just three homes, not a whole development. The homes have garages and driveways which they will park on during a snow event. There will be 21 spaces for three homes.

Mr. Boccanfuso asked Mr. Ploskonka to confirm the curbing for the driveway. Mr. Ploskonka said curbing is proposed for the driveway.

Chairperson Kwaak opened the floor to the public.

Mr. Cucchiaro swore in Ellen Levitt, 6 Devon Drive, which is Lot 56. She asked how far would the new houses be from her home? Mr. Ploskonka said there is no house proposed directly behind her lot. How many trees will remain? Mr. Ploskonka said about 200' from her property line to the where the trees start. Ms. Levitt asked

about the creek behind the property? Mr. Ploskonka said we are not touching the creek. She explained the creek 40 years ago was a babbling brook, now its just a muddy mess. She asked if the trees come down, will it cause more water in the area? Mr. Ploskonka said we are only clearing 2.8 acres in the middle of the site and preserving the areas behind her house.

Mr. Cucchiaro swore in Roy Kortmann, 22 Devon Drive North, which is Lot 48. He wanted to know how far his house was from the new homes. Mr. Ploskonka said he is in the north west corner and no houses will be near him.

Chairwoman Kwaak closed the public portion of the meeting.

A Motion was made by Mr. Ginsberg to Deny the application, and Seconded by Ms. D'Agostino.

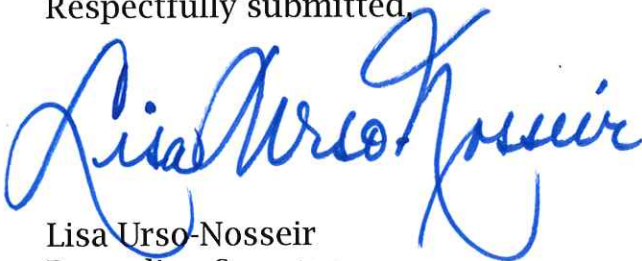
Yes:	Fisher, Brown, Ginsberg, D'Agostino, Kwaak, McNaboe, Jacobson
No:	Castronovo, Hogan
Absent:	None
Abstain:	None
Not Eligible:	Kastell, Shorr

Chair Kwaak asked for any correspondence and Ms. Nosseir stated there wasn't anything to share this evening. Chairwoman Kwaak opened the floor for any non-agenda items. Seeing none, the public portion was closed.

Chair Kwaak reminded the Board that the next meeting is February 10, 2022, which will remain virtual.

Chief Hogan made a Motion to end the meeting at 9:25 pm and it was agreed to by all.

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary