

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

**Planning Board Minutes**  
**August 25, 2022**

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:** Daria D'Agostino, Secretary

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

Absent from meeting: Barry Fisher, Brian Shorr

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

Mr. Cucchiaro swore in Drew Pavlick, Professional Engineer and Jennifer Beahm, Professional Planner.

**Minutes:**

A Motion was made by Chief Hogan, Seconded by Mr. Brown to approve the Minutes of August 11, 2022 as written.

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

**Resolution:** PPM2104 ~ Stavola Asphalt Company  
Stavola Woodward Road - Medical Office  
Woodward Road and Route 33  
Block 7232 / Lots 1.04, 1.06 and 2.04  
Bifurcated Preliminary and Final Major Site Plan

Mr. Cucchiaro announced that the applicant has requested additional time to review the resolution. The resolution for PPM2104-Stavola Asphalt Company will be carried to the Planning Board Meeting of September 8, 2022.

Applications:           **PAS2222 ~ CMP of Manalapan Realty, LLC**  
                                  **363 HWY 33 ~ Block 74/ Lot 13.02**  
                                  **Amended Final Site Plan**

Mr. Cucchiaro said the applicants attorney requested that the application be carried to October 13, 2022. Therefore, application PAS2222, CMP of Manalapan Realty, LLC will be carried to the Planning Board's October 13, 2022 meeting with no further notice to property owners.

**PMS2061A ~ Anthony Mazzei**  
**314 Tennent Road ~ Block 19 / Lot 40.01**  
**Preliminary Major Subdivision**

Salvatore Alfieri, Esq. represented the applicant this evening. Mr. Alfieri said this is a two lot major subdivision on Tennent Road. This property was before the Board about a year ago for a three-lot subdivision and was denied. Mr. Alfieri said we are only seeking Preliminary approval tonight because of outside agency approvals that Mr. Ploskonka is working on.

Mr. Cucchiaro swore in John Ploskonka, PP, PE. He is qualified as the engineer only this evening. Mr. Ploskonka said this property is on Tennent Road, just to the west of Taylor Mills Road. It is 9.2 acres and located right on the part of the Tennent Road that is going to be widen by the County. We are proposing two lots on the property, both single family homes. One will be 3+ acres, and the other 6+ acres. There will be a single driveway servicing both lots. The property is encumbered by wetlands. Mr. Ploskonka pointed to Exhibit A1, a color rendering of the subdivision plan. He showed where Tennent Road is located and the driveway coming into the property. Surrounding the area is the wetlands stream corridor buffer as well as other environmental constraints that become preserved in a conservation easement which is about 7 acres. There are two small detention areas where stormwater management will be handled and the client is proposing a HOA to maintain this. There will be a fence surrounding the area where the green is, which would be a buffer required by the Town's Environmental Commission. It would be a 4' high vinyl fence as a means of preserving the rest of the property. Mr. Ploskonka said we are seeking Preliminary approval only at this time because we will need some additional DEP permits that are subject to Preliminary approval.

Mr. Ploskonka said he did meet with Chief Hogan and the Fire Bureau and they approved the driveway for the property. We have an LOI from DEP which is now part of the reason we are a bit smaller on the useable area and we do conform to RSIA and we will comply with the engineer's report of August 18, 2022 and we are working with the County for the road widening. There was a Phase One environmental report done. There was some issue about some contamination that didn't meet DEP standards, and we are going to get a LSRP to get a response action outcome RAO before we get through to Final approval. We will have the house plans for Final and the other permits. We are several hundred feet from the houses on Devon Road.

Ms. Beahm asked if they are proposing sidewalk along Tennent Road? Mr. Ploskonka said we prefer to pay into the sidewalk fund because of the County widening and not knowing where it is going to end up at and there is a ditch that needs to be filled in.

Mr. Pavlick asked if the applicant has been in contact with the County about their improvements? Mr. Ploskonka said we have been in touch with the County, and we have their plans. We know they are going to do some improvements to widen the road, put in some storm drainage and we will work with them. Mr. Alfieri added that this application is subject to County Planning Board approval as well.

Mr. Cucchiaro asked if the widening of the road is going to impact the size of the lots? Mr. Ploskonka said he does not believe so. Mr. Halari said he dedicated the ROW before.

Mr. Pavlick referred to CME's August 18, 2022 report in 11c which talks about lighting down at the driveway. What is at the end of the driveway? Mr. Ploskonka said the lighting on site and the driveway will all be part of the HOA. Mr. Pavlick asked if there was going to be a driveway easement? Mr. Ploskonka said yes there will be and it will be part of the HOA documents.

Chief Hogan confirmed that the applicant met with the Fire Bureau and the plan has been approved.

Mr. McNaboe asked about mail service and trash pick-up. If you are not prepared tonight to discuss this, please update us at Final. Mr. Alfieri said by Final we will speak to the post office and have a plan for trash pick-up and can storage.

Mr. Jacobson asked for clarification that the HOA will be responsible for maintenance and clearing the driveway of snow and ice? Mr. Alfieri said that is correct and the reality is, the homes are going to be owned by the same family. We are doing the HOA in case they sell in the future, we need to have this in place.

Ms. D'Agostino asked if all the improvements will be the required distance from any wetlands with adequate buffers? Mr. Ploskonka said that is correct.

Mr. Cucchiaro swore in McKinley Mertz, PP and the Board accepted her credentials. She went over the requested variance relief. There are five variances and four design waivers. The variances are associated with the lot frontage since we are subdividing the lots so that they will both have frontage on Tennent Road. Both lots will be deficient on lot frontage, as well as lot width. Another variance is the minimum improvable area for just Lot 1, Lot 2 meets the standard. The design waivers include no sidewalk along the frontage. We do have a fence that extends the entire length of the conservation easement and therefore it encroaches into the front yard where it is 4' high, whereas the ordinance permits 3'. The access management standard where no driveway shall be within 10' of a property line - because we are proposing a shared driveway, it straddles the proposed property line. There is a technical waiver, that grades shall not alter the natural contour of the land by more than 3', whereas we are proposing 4'.

Ms. Mertz reviewed the planning proofs associated with this application. Most of our justification is under the C2 - benefits vs. detriments, but there are quite a few hardships associated with this property as well. The property is skinny at the front, then gets a little wider, but it is very deep at over 1,000'. We are proposing two lots whereas if this was a conforming lot, we could actually fit three on here. Each lot is 3+ acres, which meets the zoning, however because it is so narrow and deep, they both can't have the full lot frontage and lot width along Tennent Road. We are proposing two lots with consistent density, consistent set backs, consistent height and there are no other bulk variances associated with the actual development of the two homes.

Ms. Mertz continued and said from a C2 perspective, we have to prove that the benefits of granting these variances outweigh any detriments associated with them and discuss which purposes of zoning of the MLUL are advanced. It is her opinion that purpose C is advanced to create adequate light, space and open air. The homes are going to meet all of the setbacks and they are very far from the existing homes to the south. The house on Lot 1 is 128' from the nearest house and the house on Lot 2 is 286'. Purpose E, to promote appropriate population

density – the lots are consistent with zoning in the terms of the size of the lots and therefore the density that the Township envisions for this area. Purpose G is to provide sufficient space and appropriate locations for residential uses. We are a permitted use in the RE zone. Purpose H is to encourage the location and design of transportation routes, which will promote a free-flow of traffic. The shared driveway is reducing the access points onto Tennent Road. Purpose J is to promote the conservation of natural resources and prevent the degradation of the environment. Our application is proposing a 7 acre conservation easement.

It is Ms. Mertz's opinion that there are no detriments associated with these five variances. The lots meet and exceed the lot area for the zone. The applicant will make a payment in lieu of the sidewalk at this time. She believes the variances can be granted without a substantial detriment to the public good and will not impair the zoning ordinance or the Master Plan.

Ms. Beahm doesn't take exception to the testimony but she has a hard time believing this promotes transportation routes – that is a bit of stretch. She also agrees that there is minimal negative impact.

Mr. Pavlick stated the applicant is exceeding the grading by one feet, but it is 200' from the residence on the other side and he does not take exception to that.

Chief Hogan asked the applicant if they could please go over the proposed fencing. Ms. Mertz showed on the screen where the fence is going to be placed. Chief Hogan asked if the fence is going to surround the whole property. Mr. Ploskonka explained it surrounds the whole white area so it will prevent people from going into the wetlands. Chief Hogan if there was any alternative besides a fence? Mr. Ploskonka said the Environmental Commission recommended a vinyl fence so people wouldn't clear the wetlands. Chief Hogan said but there are only two homeowners. Ms. Beahm said the fence denotes the boundary of the conservation easement and it would prevent clearing in that area, as opposed to just a monument. Ms. Beahm said people simply ignore the monuments. The fence is a split-rail fence, 4' high and that is what she would recommend that the set aside the conservation easement. Chief Hogan asked what other markers besides the fence will be used? Ms. Beahm said it will be the fence and the monuments every 75'. Chief Hogan said he is not in favor of the fence for two homes, there must be another way to mark it out. Mr. Ploskonka said he respectfully requested that he will think it out and further discuss it at Final. Chief Hogan said that it acceptable.

Mr. McNaboe asked about the fence and if it goes along the driveway. It looks like the fence comes within 40' of the ROW. Is this going to affect sight? Mr. Ploskonka said there is no sight distance issue.

Chair Kwaak asked if the houses would have generators? Mr. Alfieri said yes, they will be getting generators. She asked about the minimum lot coverage and the proposed widening of Tennent Road. Mr. Ploskonka said we have widened the ROW before when we did the six lot subdivision in 2008. The frontage will not change.

Mr. Jacobson had a question regarding the fence and if it possible where the variance requires 3', that you do the 4' where it is permitted, and 3' where that is permitted and therefore it would be conforming. Mr. Ploskonka said we will re-examine that. Mr. Jacobson said how will the driveway handle several cars if they have company? Mr. Ploskonka said each house will have a two car garage, with two cars in the driveway, so that's 8 cars. There is an area we have widened out along the driveway for 4 more cars in that area.

Ms. D'Agostino asked about the frontage - is that split between the two properties? Mr. Ploskonka said the first house has 153' from the corner towards the driveway and the other house has 65'.

Mr. Brown asked about the detention basins and said they go down about 3'-4', correct? Mr. Ploskonka said they are going to be pretty shallow, maybe 2'. Mr. Brown said will there be any fencing to prevent children from wandering the area? Mr. Ploskonka said there is no fencing for a detention basin. Mr. Ploskonka said they are designed to drain out in 72 hours. Mr. Brown said is there enough room for these homes to add a pool? Mr. Ploskonka said there is room for pools and patios.

Mr. Castronovo asked what is to stop the residents along Devon from encroaching upon that piece of property? Mr. Ploskonka said the houses on Devon are pretty flat to the road and most of the lots drop off and they have fences in the back. It would be difficult for them to go out to the wooded area.

Chief Hogan said if the Board decides not to go with a fence to designate a wetland area and uses markers instead approximately 100' apart - would that be something that you would put in the homeowners association papers? Mr. Alfieri said yes we could. Chief Hogan said a homeowner could put a fence up if they want anyway.

Chair Kwaak opened the floor for public questions and comments. Seeing none, she closed public.

Mr. McNaboe asked for a recap of everything which was discussed on this application. Mr. Cucchiaro wanted to remind the Board that the applicant is only seeking Preliminary approval tonight. All the conditions must be satisfied; the easement that is required is a condition, the applicant will reevaluate the fencing requirements as a condition; they are going to provide a rough sketch of where the improvements in the yard can be located; they agreed to provide confirmation of site distance. Mr. Alfieri said also payment into the sidewalk fund, address trash collection and mail delivery at Final, comply with all the professional report comments, locate generators on the plan, we will consider a 3' fence in the front and will consider fencing around the basin as well. Mr. Jacobson added also confirm that the ROW is set. Mr. Cucchiaro said they were going to be pursuing outside agency approvals, which includes the County Planning Board approval which would mention the ROW.

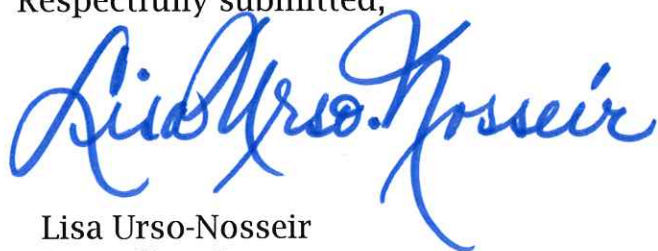
A Motion was made by Chief Hogan, Seconded by Mr. Castronovo to approve the application.

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

Chairwoman Kwaak opened the floor to the public for any non-agenda questions or comments. Seeing none, the public section was closed. The next meeting is September 8, 2022.

Chief Hogan made a Motion to end the meeting at 8:30 pm and it was agreed to by all.

Respectfully submitted,



Lisa Urso-Nosseir  
Recording Secretary