

Township of Manalapan
120 Route 522 & Taylors Mills Road
Manalapan, NJ 07726

Planning Board Minutes

July 13, 2023

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.

Ms. D'Agostino read the TV Disclosure Statement and took the Roll Call of the Board.

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

Absent from meeting: All Present

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

Mr. Cucchiaro swore in Brian Boccanfuso, Professional Engineer and Christine Bell, Professional Planner.

Minutes:

A Motion was made by Chief Hogan, Seconded by Mr. Kastell to approve the Minutes of June 8, 2023 as written.

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

A Motion was made by Mr. Castronovo, Seconded by Mr. Fisher to approve the Minutes of June 29, 2023 as written.

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

Resolution: PPM2255~LPG Capital, LLC
Kinney Road & Sweetmans Lane
Block 79 / Lots 21.01 & 21.02
Preliminary and Final Site Plan Approval

A Motion was made by Mr. Kastell and Seconded by Mr. Fisher to approve the Resolution for PPM2255-LPG Capital, LLC as written.

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

Application: PMS2266 ~ Rising Sun Properties, LLC
148 Freehold Road ~ Block 21 / Lot 4.01
Minor Subdivision

Salvatore Alfieri, Esq. of Cleary, Giacobbe, Alfieri & Jacobs represented the applicant this evening. This is a two lot minor subdivision and it is variance free. We have one witness this evening, our engineer Kevin Shelly.

Mr. Cucchiaro swore in Kevin Shelly, licensed PE in the State of New Jersey since 2012. Mr. Shelly prepared the subdivision plan which is displayed on the screen. Mr. Shelly said the property is 148 Freehold Road, located on the northern side of Freehold Road and approximately 2,200' from the intersection with Tennent Road. The zone is Residential Transition district and is 1.21 acres and it currently contains a looped asphalt driveway and a small shed associated with the former building that was demolished about five years ago. The applicant is proposing to subdivide the property essentially down the middle creating two new fully conforming lots. Proposed lot 4.02 is 26,319 sq ft with 101.9' of frontage, and 255.9' depth. Proposed lot 4.03 is 23,135 sq ft, 101.9' of frontage and 224.7' in depth. All the existing improvements on the subject property will be removed as part of the subdivision application, including the shed. New driveways from Freehold Road will be installed

for each new dwelling with a turnaround area located in front of the buildings so the vehicles do not need to back out onto Freehold Road. The new dwellings will be constructed in accordance with the bulk requirements and standards for the RT zone. It is a fully conforming application and no variances or design waivers are required or requested. The new dwellings will be constructed in accordance with RSIS requirements for parking and the anticipated traffic impact for two homes on the road will be minimal. Township ordinances do require curbing and sidewalk along property frontages. Currently none of the adjacent properties have curb or sidewalks, so the applicant would like to propose to make a contribution to the sidewalk and curbing capital contribution fund in lieu of installing curbs and sidewalks along the frontage. No fencing is proposed as part of the application; any fencing would be part of any subsequent plot plan application that would be reviewed by the Township engineer. The new dwellings will be serviced by individual wells since there is no public water out on Freehold Road. The properties will also be serviced by septic systems. The closest public sewer is located about 1,300' down the street from Olde Silver Tavern. We have reviewed the viability of connecting into that public sewer with the Board engineer. Due to the elevation differences in the road, as well as the shallow depth of the new sewer main in front of the Tavern down the street, connecting there with the gravity sewer main to this site is not viable. It would need to get done with a pump station and force main through the County road, and again, for a two lot subdivision, that is not viable for the application. The proposed septic systems will be reviewed and approved by the Health Department. In the Board engineer's review memo dated June 19, 2023, they had asked for some additional information regarding any existing well, septic or underground storage tanks. Any existing infrastructure well, septic or tanks will be decommissioned in accordance with all local, County and State requirements. One of the other comments in the review letter pertains to whether the site was not considered a major development from a stormwater management standpoint. Again, we can confirm that the property is not classified as a major development, less than an acre of area will be disturbed. Less than ¼ acre of new impervious area is proposed. There is an existing area of 4,000 sq ft of impervious area on the property. All that impervious area will be removed. To ensure that the proposed application does not exceed the ¼ acre of new impervious area, the applicant will be agreeable to imposing a 30% maximum lot coverage for both properties so that when both are fully developed, that neither of those result in more than a ¼ acre of new impervious area on the property. Mr. Cucchiaro said such a condition, if the resolution is not recorded, is not going to be found in the line of title by future owners. Mr. Alfieri said we will record the resolution.

Mr. Shelly continued and said that the applicant would agree to comply with the Township's standards for stormwater management. The Board engineer also requested that sump pump discharge from both of the new homes would be directed and connect into an existing inlet located on the frontage of the property on Freehold Road, as it is a County road and that is a drainage structure within a County right of way. If the County would be agreeable to us making a connection for a sump pump drain pipe connecting out into it, we would be happy to comply with it, but that

would be subject to the County's approval as well. Street trees along the property frontage will be provided in accordance with the Township ordinances. The applicant will work with the Township arborist to determine if any specimen trees could be saved on the property. There are no environmentally sensitive or regulated areas, such as wetlands or flood hazard areas on the property. Last month, the applicant appeared before the Environmental Commission to discuss the application. We have a CME letter as well as some recommendations from the Environmental Commission which we have no objections to complying with. One of the recommendations was to pre-wire the homes for EVs which the applicant would agree to. There was comment in the CME letter that the possibility of the site previously used for agricultural purposes. We didn't see from an aerials any evidence that showed that it was, but if we find something, we would agree to comply with the Township's soil testing standards for pesticides for agricultural properties.

Mr. Alfieri added that there is a FAR limitation for each lot at .15. The applicant as part of the plot plan review for each building permit will assure that it complies with this requirement. Mr. Alfieri said Mr. Shelly has been referring to the CME reports. The report from CME is dated June 19, 2023. Mr. Shelly has reviewed those technical comments and he agrees as conditional approval to address all of the comments. The comments in the CME report regarding the Environmental Commission dated June 8, 2023 will all be agreed to as well. The Planner report is dated May 9, 2023 and had five comments on the last page and Mr. Shelly has addressed each of them.

Mr. Boccanfuso said Mr. Shelly went through the CME report in great detail. As it pertains to the applicability of the major stormwater management development regulations, Mr. Shelly indicated that he would be amenable to imposing a maximum lot coverage as a condition of approval. Mr. Shelly said 30% on both lots would give each of them enough to keep them underneath the ¼ acre. Mr. Boccanfuso said in addition to that, would you be willing to submit a statement as a licensed engineer relative to the applicability of the stormwater management regulations? Mr. Shelly said yes he would. Mr. Boccanfuso said there was a single family dwelling many years ago which appears to have been demolished and removed. Has there been an investigation as to whether or not any such improvements are present on site? Mr. Shelly said to the best of his knowledge, none have been discovered and there is no documentation of any of those have been provided to us. Mr. Alfieri said if the Board requires a tank sweep of some sort, we can certainly to that. Mr. Boccanfuso said he believes it is a good idea, clearly there was a house there at some point that had to be serviced by something.

Ms. Bell's only additional comment is that the applicant had said that they are proposing to make a contribution to the sidewalk fund, because there is no sidewalk currently. She stated it is ultimately up to the Board to decide whether or not they would like that contribution, or to see the sidewalk installed. Mr. Alfieri said if the Board elects to require the installation, it would still be subject to the County as well since it is a County road. Mr. Shelly added that there is going to be a right of way

dedication along the property frontage as part of the County's plan. If we were to install curbing and sidewalk, it would maybe 15-20' back from where the road is. Mr. Cucchiaro asked does RSIS require it or no? Mr. Shelly said not for a subdivision like this. Mr. Cucchiaro asked if the ROW dedication was taken into account in the proposed size of the two lots? Mr. Shelly yes it was.

Chief Hogan asked Mr. Shelly what is the proposed square footage for each dwelling? Mr. Alfieri said that in the CME report, if you apply the FAR to each lot, the limitation would be 3,470' and 3,948'. Mr. Boccanfuso said the way zoning calculates the FAR is that they do omit certain areas, such as closets and hallways, so the numbers Mr. Alfieri stated do not include those areas. So the total square footage, not the gross habitable square footage, could potentially be slightly larger than this, while still complying.

Mr. McNaboe said ordinarily he is in favor of sidewalks. As you know, Manalapan Township owns a lot of that property and there is nothing here. However in this case, he doesn't have a problem with the sidewalk not being there. Mr. McNaboe asked about the septic on these 20,000 sq ft lots - he's not sure if they are being set up for disaster. We know we have problems on Church Lane with the smaller lots and septic. He worries about failing septic.

Chairperson Kwaak asked about the area on the map on the site plan that shows area of unknown ownership - how is that going to be delineated so these people don't go into whomever owns that easement? Mr. Shelly said when we have an instance of this where title does not claim an area that appears to have fallen between unknown ownership, we exclude it from the calculations and it is not part of our area. The applicants will do additional title search and try to find the owner. Mr. Cucchiaro said would this be appropriate for a quick claim to resolve it. Chairperson Kwaak said that whomever lives there, they don't just take that property on thinking they can keep going and taking the property until they back up to the other neighbor. Mr. Alfieri said one approach is that we can put markers at what we know is the property line. Mr. Alfieri said we would also agree to disclose it and perhaps in the resolution it would be disclosed as well so that anyone buying it in the future would know. Chairperson Kwaak said if you look at the same map, you have for Block 21, proposed Lot 4.03; you have Block 21 Lot 4.02, but in the back of that, it says Block 21 Lot 4.02. Mr. Shelly said that was pointed out in the CME letter as well and will be corrected. She added that it does not show on the plan the turnaround that you spoke about. When she goes to the second page, she notes the proposed septic tank. Will that be marked? Mr. Shelly said it is a requirement and it was one of the comments in CME's report and we agreed to provide it. Any updated plans would show the turnaround.

Mr. Boccanfuso asked Mr. Alfieri about the markers they agreed to provide in the gore area -would they be on your client's edge of the property? Mr. Alfieri said yes, it would be at our property line so there is no question, that area will remain a gore.

Ms. D'Agostino asked if they are going to attempt to see if sewers are available? Mr. Shelly said sewer is not viable via gravity, it would be 1,300' forced main pump station through a County road, which is just not viable for two lots.

Mr. Pollifrone stated it was mentioned that this application is variance free. When he looks at the RT zone, Table Attachment 2, there is both a lot frontage and width requirement. He agrees they meet the lot frontage requirement, but at the rear of the lot, you do not meet the width requirement, which is 100'. Mr. Alfieri said you do not measure at the rear of the lot, you measure at the front setback line. Mr. Boccanfuso said the frontage is just as it sounds - along the front lot line. The width is generally measured parallel to that at the setback line. If the side lot lines are parallel to one another, the lot width would be identical to the lot frontage. Mr. Cucchiaro said let's get it on the record - what is the width of the property? Mr. Shelly said they are both 101.9', and 100 is required. Mr. Pollifrone said just to be clear, the width of the property in the rear is 98'. However, if that is not where the width is to be measured, then he's ok with that.

Chairperson Kwaak asked if the homes are going to have generators? Mr. Alfieri asked if he had to come back to the Board for a generator? Mr. Cucchiaro said it would depend. You could probably pull a permit, so long as it doesn't go into a setback. Mr. Alfieri said it is difficult for him to say tonight because no one has laid out an actual plot plan.

Mr. Fisher asked if the driveways are going to be wide enough for two cars? It would be difficult if someone has a party - there's nowhere to park. Mr. Shelly said that is all part of the plot plan final design. The idea is that all of the properties have a turn around space so that a car could pull in and not have to back out. The driveway will comply with RSIS as well as all of the Township requirements.

Chairperson Kwaak opened the floor to the public.

Mr. Cucchiaro swore in Robin Witkowski, 125 Freehold Road which is the property directly across the street. When the applicant was talking about the storm sewer dumping across the street - that's on his property. He'd like to know what they'd propose to do with that. Mr. Shelly showed Mr. Witkowski on the plan and that this was the recommendation of the Board engineer to connect any sump pumps from the house into this structure. This is in a County ROW that is under the County's jurisdiction. Mr. Witkowski said there is an 8" iron pipe that goes from that property to the ditch across the street, which is the ditch on my property which is always full of water. The drain underneath my driveway is always clogged and people throw garbage in it. Are you going to put a pipe system in there? Mr. Shelly said this was strictly in relation to sump pumps for basements. The rest of the drainage infrastructure will be in compliance. Mr. Witkowski said you're going to be dumping on my property, what are you going to do? Mr. Shelly said that the only thing that was proposed to tie into the structure out here was the sump pumps from these

basements – it's not the roof run-off or driveway run-off. Mr. Cucchiaro said the question is, whether a sump pump, or not, are you discharging into this gentleman's property or not? It sounds like you're saying no Mr. Shelly, but please explain why the answer is no. Mr. Shelly said we are discharging into the drainage infrastructure within the County road. Mr. Cucchiaro said the answer is, that you are discharging into a County drainage system. Mr. Shelly said that is correct. Mr. Witkowski said that was put in six years ago when they paved the road. Before that, it didn't exist and your property started flooding and causing the hazard on the road. They put this pipe across the road into his ditch and it overflows onto his property, which is beyond the County property. Mr. Cucchiaro said what Mr. Shelly is trying to say, is that they are discharging directly into a County facility and that is permitted by law. Mr. Alfieri said we do have County Planning Board application pending. We can certainly request that the County look into its system and address it. It is more of a regional issue, and not the applicant's issue. Mr. Cucchiaro said Mr. Alfieri's point is good – tonight this Board is not approving your connection to the County infrastructure. The County Planning Board will approving, or denying, your connection to the County infrastructure. Mr. Cucchiaro said to Mr. Witkowski that this Board cannot address that, but the application is pending at the Monmouth County Planning Board – that's exactly what they are going to be looking at. Mr. Witkowski said that is all he is asking – that someone take the drainage into consideration. Mr. Cucchiaro said you are invited and it is your right, if you wanted to contact the County Planning Board for this application. The County engineer might come out and look at your property to evaluate it. Chief Hogan asked Mr. Shelly if there were any alternatives on the sump pump discharge, besides going into the County system? Mr. Shelly said it was one of the recommendations of the Board engineer. Typically towns want to keep the sump pumps separate from their sewer systems. There is drainage infrastructure that will be required on the property to comply with the Township ordinance. The sump pump will get water out of the basement and into that drainage infrastructure – we don't have objections to doing that either if it helps from sending additional run-off out to the County road and we can tie it into the drainage system, then that is also fine with us.

No one else from the public had any comments, so Chairperson Kwaak closed the public section of the meeting.

A Motion was made by Mr. Brown to approve the application subject to all the conditions that have been placed on the record, with no sidewalks or curbs but a contribution to the Township sidewalk fund, and was Seconded by Mr. Fisher.

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

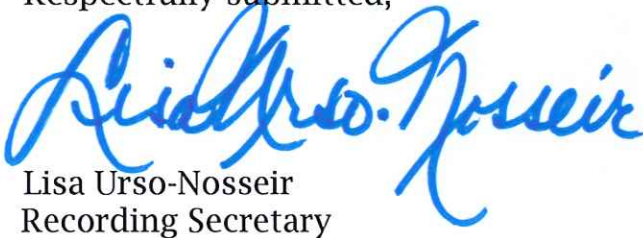
Mr. Cucchiaro said initially the Board was also going to hear the Four Seasons at Manalapan HOA tonight, however they ran into some Noticing problems when they were preparing for tonight. We anticipate hearing this application on August 24, 2023. There will be, at minimum, a newspaper Notice that will be published and they have to remedy some other things as well.

Chairperson Kwaak opened the floor to any non agenda items. Seeing none, this portion was closed.

Chairwoman Kwaak stated that the next Planning Board meeting is Thursday, July 27, 2023, however there are no applications set yet. Ms. Nosseir will send out an email to the Board.

Chief Hogan made a Motion to end the meeting at 8:25 pm and it was agreed to by all.

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary