

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

Planning Board Minutes

August 24, 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. Urso-Nosseir read the TV Disclosure Statement and took the Roll Call of the Board.

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

Absent from meeting: Daria D'Agostino, Steve Kastell

Also present: Ronald Cucchiaro, Planning Board Attorney
Jordan Rizzo, Alt. Planning Board Engineer
Sam Avakian, Alt. Planning Board Planner
Lisa Urso-Nosseir, Recording Secretary

Mr. Cucchiaro swore in Jordan Rizzo, Professional Engineer, and Sam Avakian, Professional Planner.

Minutes:

A Motion was made by Chief Hogan and Seconded by Mr. Fisher to approve the Minutes of August 10, 2023 as written.

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

Resolution: PFM1724 ~ Cardinale and Manalapan Crossing Associates 2, LLC
162 HWY 33 ~ Block 66 / Lot 8.03
Amended Preliminary and Final Site Plan

A Motion was made by Mr. Castronovo and Seconded by Mr. Brown to approve the Resolution for PFM1724~Manalapan Crossing, as written.

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

Applications: PMS2314~Vincent Tornatore
45 Saupe Drive ~ Block 339 / Lot 12.01
Two-Lot Minor Subdivision

Chairwoman Kwaak announced that the above-mentioned application would not be heard this evening. Mr. Cucchiaro further explained that he spoke with the applicant's attorney and apparently there is a new plan that was just put together, but we do not have the plan distributed yet, nor any reports. Therefore, the applicant needs time for our professionals to review the new plans. This application will be carried to the September 28, 2023 meeting with no further notice to property owners. Revised plans will be available for review in the Planning office by September 18, 2023.

PFM2304~Four Seasons at Manalapan HOA
44 Palomino Drive ~ Block 66.43~Lot 1
Preliminary and Final Amended Site Plan

Barry Fisher and Brian Shorr recused themselves from this application since they currently live in The Four Seasons development.

David Ramsey, Esq. represented the applicant this evening. This application is for Amended Site Plan approval with regard to converting certain parking areas into pickleball courts, as well as shuffleboard courts.

Mr. Cucchiaro swore in Paul Kavka, Professional Engineer in the State of New Jersey. Mr. Kavka described the application to the Board. He displayed on the screen the Phasing Plan, or overall subdivision plat for all of Four Seasons at Manalapan, which is a age restricted planned community that was approved in 2006. It consists of 672 single family homes, and 100 affordable housing rental units. We are proposing to convert an existing parking lot in the center of the project near where the clubhouse is, 44 Palomino Drive. The clubhouse currently has 230 parking spaces and what we

are proposing to do is convert one of the parking areas which is approximately 60 x 150 feet wide, which is totally curbed and what we'd like to do is convert that to four pickleball courts and two shuffleboard courts. The construction would involve milling and repaving the parking area, installing four pickleball courts with nets and the associated equipment. We have two shuffleboard courts we're going to add and we will propose an 8' chain link fence around the perimeter of it.

Mr. Ramsey said this application needs variance relief related to that fence. Mr. Kavka said the variance states that in a residential zone, fences shall not exceed 3' in height in the front yard, and 6' in height in the rear and side yard. We are proposing an 8' chain link fence at the eastern side of the end of the court. We are going to have a double swing gate that is 12' wide. On the eastern side of it we're going to have another double swing gate which is going to be 20' wide. Mr. Kavka said he is aware that it was noted as a variance, but he believes it is more of an interpretation because the section on fencing, it indicates that tennis court fences, baseball and softball back stops and spectator protective fences are exempt, provided they are not located within any yard area. Mr. Kavka put the plan up on the screen, which was a previously submitted site plan. The plan depicts the four pickleball courts on the left side, and two shuffleboard courts on the right. The perimeter fence is around that same curbed in area. We're not proposing any new lighting, we are not changing the drainage, there is an inlet at each corner. There will not be any additional landscaping. There are currently two pickleball courts which will be taken down and replaced with these. The two shuffleboard courts being moved will allow them to also have four bocce courts. Mr. Ramsey said there is also a parking variance connected with this application. Mr. Kavka said the approved plan back in 2006 included 230 parking spaces along with the clubhouse. We are planning to convert this to the pickleball courts and eliminating 34 parking spaces down to 196 spaces.

Mr. Cucchiaro said if it's a variance, it doesn't comply. Mr. Rizzo said the ordinance specifically says for this property that it needs to be 230 spaces. Mr. Cucchiaro asked Mr. Rizzo if they needed any relief from the RSIS? Mr. Rizzo said he does not believe so, because this exceeds what is required based on the number of units.

Mr. Avakian said from a planners standpoint, they have shown that the relief for the fence is warranted and there will not be any adverse effects.

Mr. Rizzo asked about the circulation, especially safety. He knows it is in the middle of a drive aisle. Are you planning any bollards, or is there anything in place to prevent someone from driving a car into the courts? Mr. Kavka said no bollards are proposed at this point. Currently there are two pickleball courts there right now. Mr. Kavka displayed the aerial of the property on the screen. Each of the three parking rows is divided into basically three segments. Right now the way it operates is they actually have temporary barricades closing off either end of those parking areas. Not that many people park in there and there isn't a problem parking,

however. Mr. Rizzo said you called them temporary barricades; does that mean they will be removed for this new application? Mr. Kavka said that is correct. Mr. Rizzo said there is a chain link fence around the pickleball courts, but what about the shuffleboard court? Mr. Kavka said it is all within the same area. Mr. Rizzo said it looks like on the plan that they are not enclosed by the fence, is there anything surrounding them? Mr. Kavka corrected himself and said the shuffleboard courts are outside the fence. Mr. Rizzo said do you plan on providing any bollards or any type of barricades to prevent any vehicles at the end of the drive aisle? Mr. Cucchiaro said are you recommending something, Mr. Rizzo? Mr. Rizzo said yes, I would recommend something for protection. Mr. Kavka said he could provide bollards and work with the Township engineers. Mr. Rizzo asked if there is any proposed change to the signage directing to this location? Mr. Kavka said there is nothing proposed. Mr. Kavka said he spoke with Freehold Soil because there was some question of whether we needed a Soil Erosion Permit or not. Because we are only milling, and not going down to the soil, they do not need a Soil Erosion Permit. Mr. Cucchiaro asked if they provided him with something stating this. Mr. Kavka said they did not. Mr. Cucchiaro suggested that he obtains a confirming letter about the conversations that you did not need any approval. Mr. Rizzo stated that if there are comments from the Township agencies that Mr. Kavka agrees to address them, correct? Mr. Kavka said this is correct.

Mr. Cucchiaro swore in Andrew Newman, Community Manager at The Four Seasons at Manalapan and is licensed to be a community manager. He has been at The Four Seasons since January 2022. Mr. Ramsey asked if he has had an opportunity to observe the amount of parking that takes place around events that occur, or daily usage of the parking area? Mr. Newman is familiar with the parking usage. The peak use of the parking area happens during the summer months when most residents are back on property. The biggest single parking event is our Men's Club Breakfast on the first Sunday of month. We have a recorded parking usage in June of 83 cars at 10:00 a.m. There were 79 cars in July, and 65 cars in August. Those were our highest parking counts for the year. Mr. Ramsey said what about other events like a New Year's Eve party that could exceed those counts? Mr. Newman said we do not exceed those thresholds, some of our residents can walk to the clubhouse, while others carpool together. Mr. Ramsey said do you envision ever reaching the capacity of 196 parking spaces? Mr. Newman said he does not foresee us reaching anything close to that threshold.

Mr. Ramsey asked Mr. Newman about the trash removal related to these courts. Mr. Newman said currently trash removal is serviced by trash cans which are set there and serviced by our maintenance personnel as well as our cleaning personnel and taken to our dumpster which is on the other side of the clubhouse. We assume that that method of trash removal will continue. Mr. Ramsey asked Mr. Newman if he was familiar with the operations that go on at the two existing pickleball courts? Mr. Newman said he is familiar with the two existing courts, and we do have members of the pickleball club present this evening to answer any further questions. Mr.

Newman said based on his own experience playing pickleball, observing the pickleball courts being used and speaking with the pickleball club, it is his understanding that we wish to prevent balls from going into the parking areas as well as going over the edge of where the parking area is into the ravine next to the parking area. Therefore, an 8' high fence would be recommended. Mr. Ramsey asked if the creation and relocation of these facilities allow the bocce ball courts to be expanded? Mr. Newman said originally four bocce ball courts existed and there was a decision to add two shuffleboard courts which they put on top of two of the existing bocce courts. This of course limited our bocce club's ability to host events. The bocce club is looking forward to having their four courts once again.

Mr. Cucchiaro asked if these amenities are solely for the residents of Four Seasons, or can members of the public, or tournaments that include outside people? Mr. Newman said Four Seasons amenities are purely for the use of our residents and their guests. Residents are responsible for their guests while making use of the facilities. All residents are informed of the rules and regulations of the community and regularly reminded and they have access to such documents on the website.

Mr. Avakian stated he does believe the applicant has demonstrated positive criteria relief for both the fence and the parking.

Mr. Rizzo asked what are the hours of use, and is there a key to access the gate? Mr. Newman said the gates will open at 7:00 a.m. and close at sundown since there is no lighting at the courts. We will be adding a combination lock when they are not in season, but when they are in season, there is not a lock on the courts. The season is from April 1st through November 1st. Given that it is a gated community, we do have access point control to all points of entry. Mr. Ramsey asked how do people reserve time on the courts? Mr. Newman said we currently have a reservation system through our website and will continue to do so. Currently the two courts are reservable, and there will be four courts reservable in the new system. Our pickleball club and clubhouse committee help with the enforcement of that reservation system.

Mr. McNaboe asked if the bocce courts are going to return to where it is, correct? Mr. Newman confirmed this. Mr. McNaboe asked if any of these items are viewed from outside The Four Seasons, is it completely from within? Mr. Newman said that is correct. Mr. McNaboe asked about the April 1st - November 1st season - is that determined by the Board of Directors, or if there is a nice day, can you open the courts? Mr. Newman said yes it is extended by Board approval. We look at the season as it is coming in, confer with the clubhouse committee, take recommendations from our tennis and pickleball club and then action. Mr. McNaboe said that sounds perfect. As you may know, your clubhouse is used as one of our voting districts. Can you confirm that there will not be an issue on Election Day? Mr. Newman said this will not be an issue on voting day, as we tracked voting parking as well.

Chairwoman Kwaak asked Mr. Rizzo with regards to the fence, are we treating this as a sports-type of fence, are we saying this is residential? Mr. Rizzo said for the definition that was read by the engineer, it sounds like there is an interpretation to it. Being that it is pickleball and didn't fall into the exact criteria, he believes it defaults into it. Mr. Cucchiaro said he has to appreciate the Board Planner's testimony as to the fence.

Mr. Castronovo stated that Mr. Newman has been the community manager since January 2022. What data can you enlighten us with the parking situation prior to your arrival, and what types of events were held? Can a resident rent the facility and how many people maximum can it be at that facility and what is the historical usage of the lot? Mr. Newman said residents cannot rent any part of the facility for their own use, only clubs and committees may rent areas of the clubhouse. When there is an event going on in the ballroom, it has a maximum capacity of 156 seats. Many of our residents carpool to events such as this, therefore our parking numbers are lower for those kinds of events. We do have cardrooms in the building and those number of vehicles are never in excess of 20-30 additional vehicles. Mr. Castronovo said he is concerned with the reduction of 34 parking spaces. When the applicant first came, they were required to have 230 spaces. What changed that at that time it was a requirement for 230 spaces, but now it's based on the testimony sounds like quantity of spots were excessively high. Mr. Ramsey said that is your ordinance requirement. When the developer came in for site plan approval, they didn't find it necessary to obtain a variance for that, they just met the ordinance requirement. Of course, at that point in time, there was no experience with how the clubhouse is used, etc. Full build of the property was in 2014. Before that, the clubhouse had opened, but wasn't seeing full capacity. The time period between 2014 and now, the experience has been is that there is just no need for that number of parking spaces. Mr. Castronovo asked the professionals based on experience, is that a valid justification for a variance? Mr. Rizzo said he does not know the full history of how the ordinance arrived at 230 spaces, but it is not based upon a certain criteria such as clubhouse square footage or something to that effect. Their testimony tonight is that since the clubhouse has been operating, it has seen peak of about 65-80 spaces throughout the year, which is not even half of what the remaining spaces will be. This is their justification for the parking variance. Mr. Cucchiaro said this project came about through satisfaction of the Township's affordable housing obligations, so this was part of an overall settlement agreement and there was an ordinance that was drafted based on concepts that were part of a settlement agreement and provided the best forecast of what parking was anticipated to be. It didn't substitute for actual in the field need. For purposes of variance, we have to focus on the positive and the negative criteria. For the positive criteria that you are hearing tonight, several purposes of the MLUL involve providing for age restricted housing, providing amenities and recreational opportunities for residents that will allow for maximum enjoyment of property. It needs to be measured against the negative criteria. The negative criteria is really the questions that you have been focusing

upon, which is what is the detriment going to be if we grant this? There in the field observations and testimony is that these parking spaces aren't being used, so it won't result in a substantial detriment. So you have to weigh and balance the benefit that is afforded to the residents providing more amenities and providing a better lifestyle for the age restricted residents - is that more valuable than what any potential detriment it is for the parking, to which they say they are not using any. That is the balance test that you have to engage in.

Mr. Brown said the existing pickleball courts have the temporary barricades. Were they ever removed for parking at night? Mr. Newman said they have not been removed regularly, they do get removed when the courts are not in use so that way flow traffic can happen. The barricades are not moved every night. Mr. Brown asked about the purpose for the 12' wide double swing gate and the 20' wide double swing gate - why? Mr. Newman said it is just to satisfy the chance that an emergency vehicle had to drive through, given the orientation of the nets, they would be able to drive through that space if so needed. Mr. Brown said that's excellent and then said the garbage cans - they are emptied on a daily basis. Are they going to be considered permanent so they don't go flying around on a windy day? Now that you are seeking approval for a permanent area to be fenced, would it be a good idea to have a permanent garbage can just for the view, as well as the utility of it? Mr. Newman said that is a good point. Currently we use weighted cans so they don't blow around, but there would be value in adding a permanent can. Mr. Brown said he'll leave it up to the judgment of the HOA as well as you as management if that would be a better idea. He is aware The Four Seasons is one of the top-notch communities in Manalapan.

Mr. Pollifrone asked Mr. Newman if he was including some bench seating for the players? Mr. Newman said in our plans we do have bench seating inside the court area which is inside the fenced area. Mr. Pollifrone asked if there is a clear line of site for someone driving a motor vehicle to observe a pedestrian that's walking to and from the court? He said he would imagine that there would be increased pedestrian traffic since you're increasing the number of shuffleboard courts and pickleball courts. Mr. Newman said it is hard to observe from the aerial exhibit, but we do have sidewalks that run through the center of each of the lanes in the parking lot that allow residents to walk through and there are site lanes where a driver can see anyone coming. The trees do not have branches that would block and site triangles. Mr. Pollifrone asked what is the speed limit inside that parking lot? Mr. Newman said the speed level for the community is 25 MPH. He has not observed anyone driving 25 MPH in the parking lot. Mr. Pollifrone said he is just envisioning someone hitting a ball over that 8' fence, and then running out into the parking lot to get it. Are there speed bumps in that parking lot? Mr. Newman said there are not speed bumps in the parking lot. Mr. Ramsey asked if he's ever had any kind of incident between pedestrians and vehicles that you are aware of? Mr. Newman said he cannot speak to being aware of any incidents involving a resident and a vehicle, nor has he seen any incidents by going through the past records of the Association.

Mr. Ramsey stated the firm Mr. Newman works for, Taylor Management, has managed this site for nine years. Mr. Pollifrone said do you feel, in your professional opinion, even with the increased number of courts and players, that the 25 MPH limit is still appropriate? Mr. Newman said it should be appropriate given that driving in the parking lot would be hard to achieve 25 MPH, but if the Planning Board thinks there is value in further reducing our parking lot speed limit, we would of course be willing to allow that thought. Mr. Ramsey asked is it typical to have different speed limits in commercial parking lots? Mr. Pollifrone said he can't say; he's only focusing on this particular application. Mr. Pollifrone said I would defer this question to our Board engineer, who probably has more experience with traffic. If 25 MPH is appropriate, it seems a bit fast for a parking lot, but he does not have expertise in that area. Mr. Rizzo said he believes 25 MPH sounds fast, is there a sign that says 25 MPH? Mr. Newman said there is no sign in that area of the community, but when you enter the community, there is a sign that says 25 MPH. Mr. Rizzo said that is probably for the through lanes, not necessarily the parking lot. Mr. Cucchiario said if there is an approval, we can make a condition that the applicant will review the applicable speed limits with the Board engineer and come to a determination on what is appropriate. Mr. Pollifrone said he just wants to ensure the safety of those residents.

Chairwoman Kwaak opened the floor to the public.

Mr. Cucchiario swore in Jerome Silverman, 18 Lusitano Road and President of The Four Seasons Pickleball Club. He said these parking spaces have not been used for 13 years. The extras never needed to be used. We are trying to use that space to the fullest extent. We now have two courts facing the wrong direction. All we want to do is turn those courts 90° and we can fit four courts safely, and still add two shuffleboard courts. This is a win/win for the shuffleboard, bocce and pickleball players. Mr. Ramsey said there are painted lines in the parking area currently, but they weren't created as pickleball courts specifically, it's just painted lines in the parking area. There are 112 members in pickleball club.

Mr. Cucchiario swore in Joan Sterling, 7 Maremarra Drive. She stated that she never saw anyone driving fast in the parking lot. Most residents walk in this area and do not drive their cars. The balls will stay within the fenced area.

Chairwoman Kwaak closed public.

Mr. Cucchiario said if the Board is going to approve the application, it would be a Motion to Approve Amended Preliminary and Final Site Plan with Ancillary Variance Relief.

A Motion was made by Mr. McNaboe to approve Planning Board Application PFM2304~Four Seasons at Manalapan HOA, and Seconded by Chief Hogan.

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

Ordinance: 2023-13 ~ An Ordinance of the Township of Manalapan Amending Chapter 95, "Development Regulations", Article V, "Zoning District Regulations", Subsection 95-5.6N", "AH-AP Affordable Housing Overlay District", of the Code of the Township of Manalapan

The Planning Board's review of this Ordinance was carried from the August 10, 2023 meeting in anticipation of additional revisions.

Mr. Avakian stated his office has reviewed Ordinance 2023-13 and finds it to be substantially consistent with the Master Plan. In fact, the Town is currently in a Settlement Agreement with the Housing Plan. We did have one recommendation, which is §95-56N in subsection A, we got rid of the word 'warehouse'. We believe it would be better for the Board to eliminate this word.

Mr. Cucchiaro stated it is his understanding that the Board reviewed this at its last meeting and it deferred action on it as there were a few recommendations. Those recommendations were communicated to the Governing Body through Jennifer Beahm and the major one was the elimination of the word 'warehouse' in the proposed Ordinance which was done. The Ordinance has been designed to effectuate the Settlement with American Properties. Also, American Properties had had litigation with one of its neighboring property owners. This Ordinance addresses those issues as well; those parties have also come to a Settlement. This will allow the project to move forward. It is a tighter Ordinance because we have eliminated the language that was unnecessary.

A Motion was made by Chief Hogan and Seconded by Mr. Fisher that Ordinance 2023-13 is substantially consistent with the Master Plan.

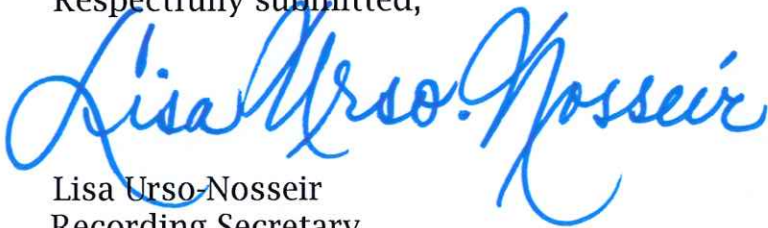
Yes: Castronovo, Fisher, Brown, Kwaak, McNaboe, Jacobson, Hogan, Shorr,
Pollifrone
No: None
Absent: D'Agostino, Kastell
Abstain: None
Not Eligible: None

Chairwoman Kwaak opened the floor to the public for non-agenda items. Seeing none, the public portion was closed.

Chairwoman Kwaak requested that if the Board members are emailing herself or Mr. McNaboe to please copy Lisa so there is a paper trail. She stated that the next Planning Board meeting is Thursday, September 14, 2023 at 7:30 in the courtroom. Chairwoman Kwaak thanked Mr. Rizzo and Mr. Avakian for sitting in for the regular professionals.

Chief Hogan made a Motion to end the meeting at 8:45 pm and it was agreed to by all.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lisa Urso-Nosseir". The signature is written in a cursive, flowing style.

Lisa Urso-Nosseir
Recording Secretary