

Township of Manalapan

Department of Planning & Zoning

120 Route 522 & Taylors Mills Road

Manalapan, NJ 07726

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Planning Board Minutes

April 11, 2019

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: Secretary, Daria D'Agostino

In attendance at the meeting: John Castronovo, Todd Brown, David Kane, Daria D'Agostino, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Barry Fisher, Steven Kastell

Absent from the meeting: Alan Ginsberg

Also present: John Miller, Alternate Board Attorney
Lisa Nosseir, Recording Secretary

Minutes:

A Motion was made by Chief Hogan, Seconded by Mr. Castronovo to approve the Minutes of March 28, 2019 as written.

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

No: None

Absent: Ginsberg

Abstain: None

Not Eligible: Fisher, Kastell

Resolutions: PPM1724 ~ Cardinale and Associates, LLC
"Manalapan Crossing"
162 Route 33 ~ Block 66 / Lot 8.01
Preliminary Major Subdivision
Preliminary Major Site Plan

A Motion was made by Ms. D'Agostino, Seconded by Mr. Castronovo to approve the Resolution for Planning Board Application PPM1724 ~ Cardinale and Associates, LLC, "Manalapan Crossing" as written.

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

**PAS1824 ~ K.R. Holdings, LLC
500 Craig Road ~ Block 2503 / Lot 26.01
*Amended Minor Site Plan***

A Motion was made by Mr. Brown, Seconded by Mr. Jacobson to approve the Resolution for Planning Board Application PAS1824 ~ K.R. Holdings, LLC as written.

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

Ordinance 2019-03

A Motion was made by Mr. Brown, Seconded by Chief Hogan to approve the Resolution for Ordinance 2019-03 stating the Ordinance is not inconsistent with the Municipal Master Plan.

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

Ordinance No. 2019-06:

An Ordinance of the Township Committee of the Township of Manalapan, County of Monmouth, State of New Jersey, Amending and Supplementing Chapter 95, "Development Regulations," of the Code of the Township of Manalapan, Section 95-3.14, "Fees, Escrow Deposits and Other Charges".

Mr. Miller stated that under the MLUL, any changes to fees need to be done by Ordinance. Fees can be revised to basically cover the costs of the Board and its staff and this is a reasonable exercise that he would recommend that the Board considers to comply with the Master Plan.

Mr. Brown questioned if there was a grammatical error on the last line on the first page of the Ordinance. Ms. Nosseir stated there are red-lined changes throughout the body of the Ordinance that will be made by the office of the Township Attorney.

Mr. Castronovo noticed that many of the fees were changed, but some were not. Was that intentional? Mr. McNaboe stated that the fees were reviewed carefully line by line. This was not a matter of blanket raising the fees. The fees were examined to see if we were covering our costs. Some matters were adequate, some were not and those are the ones that have been revised.

Mr. Miller stated that this Ordinance has been found to be substantially compliant with the Master Plan.

A Motion was made by Chief Hogan finding that Ordinance 2019-06 is substantially consistent with the Master Plan, and Seconded by Mr. Castronovo.

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

Ordinance No. 2019-08:

An Ordinance of the Township Committee of the Township of Manalapan, County of Monmouth, State of New Jersey, Amending and Supplementing Chapter 95, "Development Regulations," of the Code of the Township of Manalapan, Section 95-3.4, "Certificates and Permits," Pertaining to Certificates of Continued Occupancy.

Mr. Brown asked what is the difference between non-conforming and non-compliant? Mr. Miller said there is actually a big difference in MLUL. The term non-conforming use, or pre-existing non-conforming use has a specific meaning. That means if there was a use in a zone that was permitted, and the Ordinance changed and now it is not permitted, that property is considered to be by law a pre-existing non-conforming use. Under the MLUL, when that happens, a property

owner can come before the Board of Adjustment and ask for a certificate that it is actually a pre-existing, non-conforming use. That proves that this was permitted in the zone, but the Township revised its zoning ordinance and now it is not permitted. The zoning officer would have the authority to issue that certificate without going to the Zoning Board if it was done within one year of the change of the Ordinance. If they miss the one-year window, the property owner would have to come before the Zoning Board to legitimize that pre-existing, non-conforming use.

Mr. Brown gave the scenario that if he owned a residential home on a major road, and he sells the house and it remains residential. Before selling the house, say two years prior, the zoning changed to commercial or office. In order to sell your house, you need to get a Certificate of Occupancy. If that zoning ordinance had changed to commercial use and he didn't get a Certificate, would he not be able to sell his house to another person who is planning on using it as a residential house? Mr. Miller said that person may have to go before the Zoning Board and state that it is a pre-existing, non-conforming use if they do not have a Certificate of Occupancy. Mr. McNaboe stated that the property lot lines do not follow our zoning map. Some uses ran right through the property, so we pushed it to the edge of that property, or otherwise that property owner would have to appear before the Zoning Board. Mr. Miller said the purpose of this Ordinance is to prevent the confusion of the two terms.

A Motion was made by Ms. D'Agostino finding that Ordinance 2019-08 is substantially consistent with the Master Plan, and Seconded by Mr. Castronovo.

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

Chairwoman Kwaak opened the floor to any non-agenda items; seeing none, it was closed. She added that the next meeting will be April 25, 2019 and there are a number of pending applications at this time.

Ms. Nosseir reminded the Board members to please fill out and submit their 2019 Financial Disclosure Statements.

Mr. McNaboe said on Saturday, April 13, 2019 Manalapan Township will host the mandatory planning and zoning officials seminar. Mr. Kastell will be attending.

Adjournment

A Motion to adjourn the meeting was made by Chief Hogan and 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

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