

Township of Manalapan

Department of Planning & Zoning

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Planning Board Minutes of Virtual Meeting

May 14, 2020

The virtual meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:32 p.m. followed by the salute to the flag. The change in venue to a virtual meeting was advertised in The Asbury Park Press, The News Transcript and uploaded to the Manalapan Township website alerting the public how to join the HD Office Suite meeting in real time, with the ability to fully participate in the virtual meeting with their comments and questions.

Roll Call: Secretary, Daria D'Agostino

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 the meeting: All Present

Also present: John Miller, Alternate Planning Board Attorney
Brian Boccanfuso, Planning Board Engineer
Jennifer Beahm, Planning Board Planner
Lisa Urso-Nosseir, Recording Secretary

Mr. Miller swore in Jennifer Beahm, Professional Planner and Brian Boccanfuso, Professional Engineer.

Minutes:

A Motion was made by Ms. D'Agostino, Seconded by Mr. Castronovo, to approve the Minutes of April 23, 2020 as written.

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

No: None

Absent: None
Abstain: None
Not Eligible: Fisher, Kastell, Shorr

Resolutions: PFM0209EX ~ Sweetman LLC
153 Sweetman's Lane
Block 8306 / Lot 2
Extension of Time for Preliminary and Final
Major Subdivision

A Motion was made by Ms. D'Agostino, Seconded by Mr. Castronovo, to approve the Resolution for PFM0209EX as written.

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

Resolutions: PMS1913EX ~ Ori Birnhack
16 Pension Hill Road
Block 14.05 / Lot 71
Extension of Time for Minor Subdivision

A Motion was made by Ms. D'Agostino, Seconded by Mr. Ginsberg, to approve the Resolution for PMS1913EX as written.

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

Resolutions: Ordinance 2020-07

A Motion was made by Mr. Ginsberg, Seconded by Ms. D'Agostino, to approve the Resolution for Ordinance 2020-07 as written.

Yes: Castronovo, Ginsberg, D'Agostino, Kwaak, McNaboe, Jacobson, Hogan
No: None

Absent: None
Abstain: Brown
Not Eligible: Fisher, Kastell, Shorr

Application: PMS1915 ~ Galloping Hills at Manalapan, LLC
45 Smithburg Road ~ Block 84.02 / Lot 3.02
Preliminary and Final Major Subdivision

Peter Wersinger, Esq. represented the applicant, Galloping Hills at Manalapan, LLC. The engineer and planner, John Vincente, will present the application this evening. Mr. Wersinger stated there were two variances that were identified when we submitted the application and that relates to the detention basin. One variance relates to the setback from the lot line, and the right of way. Based on the Board's professionals reports, Mr. Vincente has prepared alternative exhibits. There are five building lots and the detention basin is contained within one of those lots.

Mr. Miller sworn in John Vincente, of JV Engineering, a professional engineer and professional planner. It was noted that Barry Fisher joined the meeting at 7:49 pm. Mr. Vincente said the property is known at Block 84.02 / Lot 3.02, 45 Smithburg Road, in the RR zone. It is 19.4 acres and we are proposing to subdivide the property into five new residential homes. It was originally a tree farm and PRC Group acquired the property in 2016. There are conservation areas in the property along Manalapan Brook; they are wooded wetlands and a stream corridor. Mr. Vincente continued and said the topography of the property is generally higher in the center where we are proposing the cul-de-sac.

Mr. Vincente addressed the comments in both the Board professionals' report. He spoke of the retention basin and the right of way dedication to the Township. The basin will be on a separate lot deeded to the Township. The basin would be landlocked if there would be five separate driveways. The cul de sac offers a safer access to Smithburg Road for the five new homes. The County also discouraged the five driveways. These five new homes would have very little impact on peak rush hour traffic. The road width would be 28'. The cul de sac is a 40' paved radius. The ROW radius is 48' and conforms to RSIS.

Mr. Vincente spoke about the sidewalk proposals along Smithburg Road. The current plans allow for sidewalks along one side of the cul de sac along the North. The professionals stated there is a preference for additional sidewalks along Smithburg Road. There are some limitations regarding environmental constraints and they cannot extend the sidewalks along Smithburg Road by QuikChek. We will provide additional sidewalks to both the North for 400' and South for 350'. There are no existing sidewalks to connect to.

There will be a 10' widening for easement purposes. Smithburg Road will not be physically widened, however we will provide an appropriate acceleration and deceleration lane which has been approved by the County. All the homes will be serviced by individual septic systems and wells. The homes will be 3,000-3,500 sq ft in size and all will have basements and the driveways will be paved and can accommodate 7 cars - they will be approximately 140' in length. All five lots meet the zoning bulk standards and there are no variances requested. There is a set back variance requested for the basin.

Mr. Vincente said he has an approved application from NJDEP, a conditional Monmouth County Planning Board approval, a certified soil plan and the Environmental Commission. They will appear before The Shade Tree Commission in the near future. They will also meet with Ms. Spero out on the site. Mr. Vincente said there will be 4' retaining walls to minimize the exposed foundation. The wall will not be seen from the roadway because of the vegetation at the property line.

Mr. Wersinger just wanted to correct on the record that the owner of the property is not PRC Construction Co., Inc. The owner is actually PRC Development Co., Inc.

Mr. Miller stated any documents the public wants to view are available on the mtnj.org site.

Ms. Beahm agreed that the relief requested is minimal in nature and she takes no exception for the design waivers requested by the applicant. Ms. Beahm asked about the proposed fence and Mr. Vincente said it would be a post and rail fence.

Mr. Boccanfuso said Mr. Vincente did a thorough job going through all the points in his engineering review of the project. The lots are conforming and minimal relief is being sought. Mr. Boccanfuso asked him to speak a bit more on the basin. Mr. Vincente explained that the basin has a sand filtered bottom. There will be a small grass berm and there will be less maintenance. Some plan revisions will have to be finalized.

Chief Hogan asked the applicant if they have done any investigating regarding a possible family cemetery on the property? Mr. Wersinger said no they have not. Chief Hogan asked if they have considered removing some of the vegetation so the homes can get a view of the golf course. Chief Hogan asked about the overflow, if the basin does fill up? Where does the overflow go? Mr. Vincente said both designs provide for overflow in the event the 100 year water surface is exceeded. It can lead to pipe discharge at Manalapan Brook. The second is an actual emergency spillway to go into the top of the berm. It is wide enough so that the anticipated flow of water for the storm does not result in an erosive condition. Chief Hogan asked what would be the cost that the Township has to

bear maintaining the basin? Mr. Vincente said he has not done the calculation for this, there is a process and the developer covers part of the cost. Chief Hogan requested that by Final, that Mr. Vincente provide that figure. Chief Hogan asked if there was a way to bring a sidewalk right to QuikChek. Mr. Vincente said he would lean towards no, because physically there is a guard rail that exists along the edge of the road and a retaining wall which is part of the bridge structure and there is no room. The retaining wall is approximately 10' high. The environmental and physical conditions do make it difficult to install sidewalks in this area. Chief Hogan asked Mr. Boccanfuso if the earlier plans showed sidewalks. Mr. Vincente said they never proposed sidewalks in this area. Mr. Boccanfuso also said no sidewalk was ever proposed. Mr. Boccanfuso said the applicant is willing to extend the sidewalk along Smithburg as far as possible without encroaching into those environmentally sensitive areas.

Chief Hogan asked Mr. Boccanfuso to explain to the applicant why we have protection for our stream corridors; the applicant is asking for a waiver. Mr. Boccanfuso said it's to preserve the natural benefit of those environmentally sensitive areas. The disturbance is only for grading which is subject to DEPs approval. Ms. Beahm said there is a provision in our ordinance that allows for averaging. The actual sq ft of the buffer is the same - there is no reduction in the buffer since the buffer exceeds some areas, it all averages out. Chief Hogan said the averaging in our ordinance benefits the developer. Ms. Beahm said the applicant is listening to your concerns and we will have a better idea of where the bump out is.

Chief Hogan asked Mr. Vincente about the retention basin regarding children. The applicant asks for one waiver on lot 3.07 and the retaining wall that will be 4' high. Please explain the need for a wall or a waiver from such. Mr. Vincente said you can have children in that area that would be walking on the wall that is in excess of 6' high in a scenario where you have water at the bottom of that wall. There could be a 4' retaining wall, on private property being maintained by the homeowner and it would not be accessible to the public. If you don't grant the waiver there is nothing that says that I can't increase the wall height and cover the exposed foundation and raise that wall. A small wall on a private property would be safer. Chief Hogan asked for a plan showing the two scenarios by Final.

Chief Hogan asked Mr. Miller if we don't grant the annual cost on the dedication for the basin, how does a development come up with an association for maintenance? Mr. Miller said the applicant will provide an answer to the question before Final.

Mr. McNaboe said we would like the sidewalk shown on the Final plans. Please take another look for the spill way for the basin before Final as well. Please have something place on the deed that when the homeowner places a shed/fence out there that they do not go in the conservation easement.

Mr. Jacobson asked about the walk out basement and the vegetation in the rear, can that be removed by the homeowner. Mr. Vincente said that is vegetation in the conservation easement.

Chairwoman Kwaak asked if the applicant considered doing curbing along the cul de sac bulb before the retention basin. Mr. Vincente said curbing will be on both sides of the cul de sac. Sidewalk will only be on one side. We will do a contribution of lieu of the sidewalk. If the Board prefers sidewalks on both sides of the cul de sac, than I don't think the developer will object.

Ms. D'Agostino said she agrees with having the complete sidewalk. Mr. Ginsberg concurs that continuous sidewalks would be beneficial. Mr. Fisher said he also agrees with the sidewalk and the height of the wall. Mr. Castronovo said he has no further questions.

Mr. Brown agrees with the sidewalks and the height of the wall as the other Board members have mentioned. Mr. Brown questioned the acceleration/ deceleration lane off of Smithburg, correct? Will they be striped, or just extra pavement? Mr. Vincente said they would be not be a separate lane, but there would be a shoulder stripe that flares out and makes it evident. Mr. Brown asked about the alternative basin design exhibit - is that not moving forward? Mr. Vincente said that is not moving forward since it introduced the retaining wall in the basin.

Mr. Kastell also agrees with the sidewalks like the others have mentioned and had no further questions. Mr. Shorr did not have any questions.

Chairwoman Kwaak opened the meeting to the public. The one person who was signed into the virtual meeting did not speak up and therefore Chair Kwaak closed this application to the public.

Mr. Wersinger said the application as originally submitted had sidewalk on both sides of the cul de sac. There was a comment to give this proposal more of a country lane feeling and that's where it was redesigned to eliminate sidewalks on one side. We have no problem putting the sidewalks on both sides and will be happy to comply with the Board's request.

Mr. Miller had a question regarding the conservation easement to agree to the wording. If it is acceptable to the applicant, whether they would agree to a condition that conservation easements would be subject to the review of the Township professionals. Mr. Vincente had no objection to that and that the majority of these conservation easements would be required by NJ DEP and they have standard language that we have to follow. Mr. Miller asked Mr. Vincente about the setbacks for the detention basin from the ROW. Mr. Vincente said with respect to lot 3.08, the setback from the basin to the

property line is required to be 25' and we are proposing 10'. With respect to lot 3.07, the setback to the property line is required to be 25' and we are proposing 2'. The setback ROW of the cul de sac is required to be 40' and we are proposing 3'.

Chief Hogan asked Mr. Vincente if this development could be built without any waivers? Mr. Vincente said yes, it is possible.

Mr. McNaboe stating that the fence is not going to be there forever. He likes the idea that the fence will protect the conservation easement. He would like language produced at the closing stating that the conservation easement cannot be built on.

Chairwoman Kwaak asked if the conservation easement could be noted with markers? Mr. Boccanfuso said the DEP may require it anyway. The fence will deteriorate in time, but the fence is better than a sign. The easement will be attached to the deed. Ms. Beahm asked Mr. Wersinger if there would be language in the deed identifying that there is a conservation easement on this lot and he said yes. It needs to be very clear on the plat as well.

Mr. Wersinger said someone buying this lot will have to go through a title search performed and all of these easements will be instruments of records that are clearly delineated on the maps and surveys. We have no objection of all the restrictions of a easements. It will be abundantly clear on all the recorded documents.

A Motion was made by Mr. Fisher, Seconded by Mr. Castronovo for a Preliminary approval for application PMS1915.

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

Ordinance: **Ordinance Number 2020-09**
An Ordinance of the Township Committee of Manalapan Amending and Supplementing Chapter 95, "Development Regulations", Section 95-3.4, "Certificates and Permits"; Section 95-9.2, "Improvement Standards"; Section 95-3.14, "Fees, Escrow Deposits and Other Charges"

Ms. Beahm explained to the Board that this Ordinance technically deals with land use matters, but these are not things that are typically found in a Master Plan. She would recommend that the Board make a finding that the ordinance is not inconsistent with the Master Plan. There is no inconsistency. Chief Hogan noted that there were only minimal changes, however the language could be confusing to an applicant. The Zoning CCO with this change would be for transfer of ownership. Our Construction CCO deals with occupants only. This is something that may have to be looked at again before it goes to the Township Committee. Maybe putting some exceptions in the Ordinance which doesn't concern townhouses and condos.

Chair Kwaak asked if the language could be clarified and Chief Hogan said he would be happy to sit with Mayor McNaboe to adjust the language accordingly.

A Motion was made by Ms. D'Agostino stating that Ordinance 2020-09 is not inconsistent with the Master Plan as well as the recommendations made by Chief Hogan be reviewed by the Township Committee, Seconded by Mr. Castronovo.

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

Ordinance: Ordinance 2020-10 ~ An Ordinance of the Township Committee of Manalapan, Amending the Zoning Map of the Township of Manalapan to Remove Lot 25.01 Block 3.02, Located Along Union Hill Road, from the RE Zoning District and Include the Property in the R20 Zone

Ms. Beahm explained to the Board that this Ordinance is a little less than one acre size lot and all the majority of lots in and around it have been rezoned R20 and she is uncertain why this lot remained in the RE zone. It may have been a mistake. It is consistent with our ordinance and our plans and it is not creating any problems with our Master Plan and she would recommend that the Board find it consistent with the Master Plan.

A Motion was made by Mr. Jacobson, Seconded by Mr. Fisher stating that Ordinance 2020-10 is substantially consistent with the Master Plan.

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

Chairwoman Kwaak opened the meeting to the public for any comments or questions. Hearing none, she closed public.

Chairwoman Kwaak opened the floor to any non-agenda items; seeing none, it was closed. She added that the next meeting will be June 11, 2020 and there are a number of pending applications at this time.

Adjournment

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

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary

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