

Township of Manalapan

Department of Planning & Zoning

120 Route 522 & Taylors Mills Road

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Planning Board Minutes

June 27, 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:

Todd Brown, David Kane, Alan Ginsberg, Daria D'Agostino, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Barry Fisher, Steven Kastell

Absent from the meeting:

John Castronovo, Richard Hogan

Also present:

Ron Cucchiaro, Board Attorney
Brian Boccanfuso, Board Engineer
Jennifer Beahm, Board Planner
Lisa Nosseir, Recording Secretary

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

Minutes:

A Motion was made by Mr. Fisher, Seconded by Mr. Jacobson to approve the Minutes of June 13, 2019 as written.

Yes: Kane, Ginsberg, Kwaak, McNaboe, Jacobson, Fisher, Kastell

No: None

Absent: Castronovo, Hogan

Abstain: None

Not Eligible: Brown, D'Agostino

Applications: **PFS1325 ~ 149 Freehold Road, LLC**
Olde Silver Tavern
149 Freehold Road ~ Block 27 / Lot 39
Extension of Time for Preliminary and
Final Major Site Plan

Frank Accisano, Esq. represented the applicant this evening. He explained that his client was before the Board in January 2019 and they were granted an extension which expires June 30, 2019. He pointed out that Olde Silver Tavern has been demolished and they expect to start construction soon, especially the installation of the sewer. This is Olde Silver Tavern's third, and last, extension of time.

Mr. Cucchiaro asked if the applicant has obtained all outside agency approvals. Mr. Accisano said we have County and WMUA for the sewer. There has been no change in zoning on the site. Mr. Cucchiaro said that the Board should look for a diligent attempt to satisfy all conditions of approval and obtain all outside agency approvals.

A Motion was made by Mr. McNaboe, Seconded by Mr. Fisher, to approve the third and final Extension of Time for application PFS1325, Olde Silver Tavern until June 30, 2020.

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

PPS0501 ~ Anne Yures
Andee Plaza II
12 Millhurst Road ~ Block 6515 / Lot 30.01
Extension of Time for Final Site Plan

Luke Pontier, Esq. of Day, Pitney represented the applicant, Anne Yures, the property owner of 12 Millhurst Road. The property has received a first and second Extension of Time, most recently in December 2018. The project is for a 26,596 sq ft office building, including certain space dedicated for medical uses. This is their third, and final extension of time. The applicant has been diligently marketing the property and has obtained all outside approvals, with a conditional approval from the County subject just to posting the performance bonds.

A Motion was made by Mr. McNaboe, Seconded by Mr. Brown to approve the third and final Extension of Time for application PPS0501, Anne Yures/Andee Plaza II until June 30, 2020.

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

PMS1843 ~ Ann Desjardins
Trustee of the Grace M. Solinski Family Trust
65 and 69 McCaffrey Road
Block 70 / Lots 35.01 and 35.02
Minor Subdivision

Michael Paxton, Esq. represented the applicant this evening. He gave a brief background of the property. They are seeking a two lot minor subdivision for properties that have been recognized on the Township tax map as two separate lots for decades. Essentially the two lots have been in the Solinski Family since 1941. In Mrs. Solinski's Will, one lot was to go to her son William, the other to her daughter, Ann. There is no formal subdivision of these lots, even though they have been shown on the tax maps for many years. A Title Company could not give clear title to each individual lot. The only recourse we had was to come before the Planning Board and seek to have these lots memorialized and have the subdivision effectively legitimized.

Mr. Cucchiaro swore in Matthew Wilder, licensed professional engineer and planner in the State of New Jersey. Mr. Wilder went through comments of the June 21, 2019 CME Engineering Report. He explained that Lot 35.01 is approximately 144' wide, and 1,234' deep and the home was built in 1900. Lot 35.02 is approximately 113' wide and 1,240' deep and the home was built in 1940. We are not proposing any improvements on the property, we did adjust the interior property line between the two properties to make the lots more consistent with one another, and consistent with the area.

Mr. Wilder went through the variances they are seeking. Their plan include a ROW dedication to remove the entirety of the McCaffrey Road cart way from the property. Currently the property goes to the center line of McCaffrey Road. CME has asked for 25' dedication from the center line, the applicant is seeking 20'. The existing roadway is only 20' in width. The front setbacks for lot 35.01 would be 22.3' and the front setback for 35.02 would be 12.3'. They are also seeking variance relief for lot frontage whereas 200' is required, and 130.5' is proposed for 35.01 and 158.98' is proposed for lot 35.02. They are seeking relief from the improvable diameter whereas 100' is required, and 49' is proposed on 35.01, and 68' is proposed on 35.02.

Mr. Wilder spoke about the variance relief needed for the detached garage on lot 35.02. It is setback 85' currently. Mr. Paxton said these variances are pre-existing variance conditions. Ms. Beahm said you are changing the frontage with the revised lot line. They are not all existing, you are modifying some of them. There is also some sideyard setback relief that needs to be addressed.

Mr. Wilder continued that the additional non conforming conditions are existing and not proposed to change. The dwelling on lot 35.01 is setback 22.3' from the southern property line where 35' is required. The dwelling on lot 35.02 is setback 4' from the northern property line where 35' is required. The detached wood garage is setback 3' where 30' is required. The driveway on lot 35.01 is setback 0.8', where a minimum of 10' is required. These are the existing non-conforming conditions that are not being adjusted or modified as part of this application. Mr. Wilder said the subdivision will be recorded by plat through the County. We will not be bonding for the monuments. Mr. Wilder believes these variances fall under the C1 requirements, a hardship variance. Mr. Wilder says these variances also qualify for C2, advancing some goals of MLUL and not impairing the intent of the zone.

Mr. Boccanfuso said the most significant comment in our report was addressed by Mr. Wildner which was the half-width dedication. Under the RSIS, it is not certain whether McCaffrey Road would be considered a rural road. We heard how the additional dedication is going to impact the two front setbacks; it is just measuring from invisible lines. Mr. Cucchiaro asked if there is a de minimus exception relief from the RSIS required? Mr. Boccanfuso said he does not believe that McCaffrey Road would fit the definition of a rural lane due to the lot sizes and the traffic on the road.

Mr. Jacobson said the setbacks are close to the road. If a new house was put up, it would need new permits, correct? Ms. Beahm said it is would need a zoning permit and any new construction should try to comply with the setbacks. Mr. McNaboe asked about the newer homes in the area and what the road dedication would be. Mr. Boccanfuso said these matters usually typically come into play on subdivision applications, not necessarily on single lots.

Chairwoman Kwaak opened the floor to the public for any questions or comments regarding this application. Seeing there were none, public was closed.

A Motion was made by Mr. Ginsberg, Seconded by Mr. Fisher to approve application PMS1843 for a Minor Subdivision, subject to a 25' half width along with relief from the above-mentioned variances.

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

**PPM1845 ~ 12 Sobechko Road, LLC
12 Sobechko Road ~ Block 29 / Lot 13
Preliminary and Final Major Site Plan**

Steve Gouin, Esq. of Giordano, Halleran represented the applicant this evening. This application is for Preliminary and Final Site Plan approval to essentially redevelop the property located at 12 Sobechko Road. This property is adjacent to the auction property. It's a small, undersized and narrow property. It has a dilapidated building on it. The applicant bought the property a few years ago and he is a home and commercial remodeling company and proposes to use this as an office and warehouse space for his company, Island Renovations. A number of design waivers and bulk variances are requested. They have reviewed the professionals review letters and they will comply with all the recommendations in those letters.

Mr. Cucchiaro swore in Michael Geller, professional engineer and planner with over 44 years of experience. Mr. Geller marked in Exhibit A1, a color aerial rendering of the site taken June 27, 2019 and distributed reduced sized copies to the Board. Exhibit A2, a photo of the existing conditions at the site taken on April 12, 2018. Exhibit A3 is a corrected copy of the westerly elevation of the proposed building. Mr. Geller explained the property is 850' west of Pension Road and is in the Light Industrial zone. This site only has a frontage of 50' on Sobechko Road and a depth of approximately 340' resulting in a lot area of 17,038 sq ft, or 0.39 acres compared to the three acres required in this zone. This site is currently occupied by the dwelling displayed in the picture which was a single story residence. It is setback only 28.1' from the road. There are two containers located on the property with gravel and stone parking. The septic system has been abandoned and there is an on-site well. The site is constrained by a flood hazard area in the back and then there is a 100' stream corridor buffer as well. They are situated about 300' from Pine Brook. The adjacent properties are associated with The Englishtown Auction.

Mr. Geller continued and said this is a change of use site plan to approve the previous residential use, which hasn't been a residence for some time now. Island Remodeling will have three employees that work in the office, and seven employees that work in the field. Typically those employees either have their own company vehicles that they take home, others bring their personal vehicles to the site, park them and take the vans from the site. This site will have no visitors as proposed. The employees see their clients at their homes. The hours are typically 7:00 am – 5:00 pm five days a week. This is a permitted use as an office warehouse in the L.I. zone. The site improvements that are associated with the project are shown on the site plan. The existing dwelling will be razed and removed and they are proposing the construction of a 24' deep by 100' wide warehouse and office. The front portion will be the office portion of 576 sq ft and the remainder would be 1,824 sq ft of warehouse and storage area. This plan had shown the relocation of the trailers that currently exist on site to the rear, however in receipt of the engineer's report and the flood hazard area implications, the applicant has decided to remove the existing trailers from the property. There will be minor regrading of the existing gravel. The current plan proposes four parking spaces, one barrier free parking space and three 9x25 van spaces. A stone

trench is proposed along the easterly boundary line that was to mitigate the runoff from the proposed building which is larger than the existing building and therefore some more impervious surface. The roof leaders will be directed to that stone trench. There will also be a 10x12 refuse area to the rear of the building that would be enclosed in a masonry enclosure. No landscaping will be proposed because it is quite tight.

Mr. Geller continued that there will be the decommissioning of the cesspool and the existing well and there is a proposed septic system in the front yard of the property. There is a proposed well shown behind the building on the easterly property line. There would be building mounted lighting on the building as recommended by the Board engineer, there is a dark spot at the intersection of the driveway and Sobeckko Road and we will add a pole mounted light in that location.

Mr. Geller said all the variances are a result of the undersized nature of this property. This would be a C1 hardship variance by virtue of its small size, .4 acres compared to three acres required in the zone and it's narrow 50' width with a 200' frontage. Mr. Cucchiaro asked Mr. Geller if he knew how this lot was created and he did not. Mr. Cucchiaro said with regard to the C1, it's a little tough for the Board to consider because if the property owner before created these non conformities through a prior subdivision, then they are a self-created hardship. Under the C2 aspects for the positive criteria, the granting of this variance would advance purposes of zoning that is required. The elimination of the existing structure and the replacement with the proposed building and other site improvements would advance purpose I of zoning, promotion of a desirable visual environment. There is not detriment to the neighbors or the public good by the granting of the variance.

Mr. Geller went through the planner's report and went through the variances requested, including sideyard setbacks, minimum gross floor area, and impervious coverage. Ms. Beahm asked by eliminating the trailers in the back, is there an ability to pick up non impervious area? Mr. Geller said they are proposing three parking spots in the rear. We will be adding a timber curb that will direct the stormwater to the rear of the lot and will not flow to the adjacent lot to the side. All storage will be inside the building, the materials are weather sensitive. There are no underground storage tanks and no hazardous substances. We will put a tree in the front of the building and if we find there are green areas that can be established in the rear, we agree to show landscaping in that area as permissible. There will be no landscaping around the refuse area.

Mr. Geller continued and stated that any fencing that is on the site will remain as is. There will not be a site identification or façade signage proposed or necessary. The mailbox has the name and number of the business on it. An exemption was received from Monmouth County Planning Board on December 12, 2018. The septic application has been approved by the Health Department.

Ms. Beahm asked about the architecture and the façade renderings for all sides. Mr. Gouin said we will provide something to you to reach your satisfaction. Mr. Cucchiaro asked is there any relief associated with it? Mr. Gouin said if there is a variance required, we would have to come back. She stated that the Board should consider this under the C2 criteria.

Mr. Boccanfuso said he doesn't take any exception to the relief that is requested and required. The illumination exceedances are very minor and he has no issue with the design waivers. He is happy to hear that the applicant is willing to provide a light by the site access drive. Ms. Beahm said if the applicant is able to find some area in the northern property line, it would be nice to see some landscaping in there and it could soften it up a little bit. The applicant is willing to put a shade tree in the front right corner of the building because street trees really aren't feasible for this location. Mr. Boccanfuso said with regard to the stream corridor buffer, he doesn't take any exception to the relief that is necessary from that section. We had asked for a circulation plan and he has no issue with the applicant's engineer not providing a circulation plan and he recognizes that K-turns are going to be required as long as they provide a K-turn area for vehicles to turn around in and are shown on the plan.

Mr. Jacobson said the reason you haven't heard from the Environmental Commission is because they haven't reviewed this application yet. He asked for clarification regarding the phase one, is it required? Mr. Geller said it has not been done, however a tank sweep was done, but not a phase one. Mr. Jacobson said the Environmental Commission would have wanted a phase one recorded for this. He asked if any fill would be used, the EC would want clean fill. Mr. Geller said that is acceptable. Mr. Cucchiaro said the Board could approve the application for both Preliminary and Final and we speculate what the EC would want. Or, if the Board was going to act affirmatively, it could grant a preliminary approval and the applicant come back for Final after EC has issued its comments and the applicant revises the plans pursuant to the EC recommendations. Or the Board could finish up tonight, have the applicant come back at a subsequent date, receive comments from the EC and act at that time. It was noted that the application was sent to the EC for their review in December 2018. Mr. Cucchiaro said if the Board gives the applicant Preliminary and Final tonight, it is irrelevant what the EC does at its next meeting; there is no impact. Mr. Jacobson said he understands there is not an Environmental Impact Statement, but normally the EC likes an abbreviated report and he wasn't sure if they would have found that acceptable. Mr. Geller said there is a small amount of fill that is required in the area where the building is being proposed to bring it up to a level grade and then the area in front of the driveway. The rest of the site is pretty much at grade as it is. The septic system is a pressure dosing, so it is filled above grade.

Mr. McNaboe asked should water and sewer become available between the time that the application is approved and you start construction, would you tie into city water and sewer? Mr. Geller said yes they would. Mr. McNaboe asked if the applicant looked into purchasing additional lands for this? Mr. Gouin said he did reach out to the owner of the neighboring property, but it is owned by an estate and we never received a response. Mr. Cucchiaro asked if they could please submit those letters and Mr. Gouin said they will.

Chair Kwaak asked about the tree in front of the building, or is it more towards the septic area? Mr. Geller said the septic system is a fill enclosed and there are limitations on where vegetation could be planted. Chair Kwaak asked if Ms. Spero would approve a different type of greenery in the spot. Mr. Boccanfuso said he doesn't see a problem, but he would defer to Ms. Spero's recommendation. Mr. Cucchiaro said the condition would be that the

species of the tree is subject to the review and approval of Ms. Spero, the location would be the same, the species needs to be set. The applicant will comply with the Health Department's requirements and recommendations regarding the placement of the well.

Mr. Brown asked how many deliveries does the applicant expect to the site? Mr. Cucchiaro swore in the property owner, Mr. Andy Macchio, owner of Island Remodeling. Deliveries aren't necessarily daily, sometimes there could be two in a day, sometimes we can have one delivery a week and it would be a small box-truck. Mr. Brown asked how the dumpster would be serviced and Mr. Macchio said a private sanitation company would be able to maneuver around to the trash enclosure. Mr. Brown asked how the parking spaces would be indicated on a gravel surface. Mr. Geller said the spots are not marked, but the engineer has recommended bollards or some kind of physical separation. Other than that, they will be using concrete wheel stops. Mr. Fisher asked if there was recycling as part of the trash enclosure. Mr. Geller said the 10x12 area can accommodate his recycling and refuse.

Mr. Boccanfuso wanted to add that although he cannot speak for the Environmental Commission, this application has been reviewed by Joe Giddings, the consultant to the Environmental Commission. He had no issues with the application and all the comments in the environmental section of our report were generated by Joe. Mr. Boccanfuso and Mr. Giddings have spoken about this application, particularly with regarding the flood hazard area, the Township stream corridor buffer and the preliminary assessment or phase one. Mr. Giddings did not feel strongly one way or another, but he did say that it would be in the applicant's best interests, because if they didn't do it, they would be the ones on the hook if something were to turn up down the road. There isn't a specific ordinance requirement that the Township could require the applicant to do.

Chairwoman Kwaak opened the floor for any comments or questions and seeing none, it was closed.

A Motion was made for Preliminary and Final approval by Mr. Ginsberg, Seconded by Ms. D'Agostino, to approve application PPM1845.

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

Chairwoman Kwaak opened the floor to any non-agenda items; seeing none, it was closed.

Chairwoman Kwaak stated that the next meeting will be July 11, 2019 and there are a number of pending applications at this time.

Adjournment

A Motion to adjourn the meeting was made by Ms. D'Agostino 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.