

Township of Manalapan

120 Route 522 & Taylors Mills Road

Manalapan, NJ 07726

(732) 446-8367

Planning Board Minutes

Virtual Meeting

April 22, 2021

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: Daria D'Agostino, Secretary

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 meeting: All Present

Also present: Ronald Cucchiaro, Planning Board Attorney
Jennifer Beahm, Planning Board Planner
Lisa Urso-Nosseir, Recording Secretary

Minutes:

A Motion was made by Chief Hogan, Seconded by Mr. Fisher to approve the Minutes of April 8, 2021 as written.

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

No: None

Absent: None

Abstain: None

Not Eligible: Kastell, Shorr

Educational Training Session

Mr. Cucchiaro gave the Board an educational/training session. He gave an overview of how zoning laws came into play. He explained the different Classes of members of the Planning Board and the roles they have.

Mr. Cucchiaro spoke how the Planning Board members should avoid communicating on social media; while not prohibited from participating, it does open the member up to certain consequences. You could possibly have your cell phone OPRA'd and he asked everyone to be mindful of this matter.

He explained that the Planning Board is known as the board of permitted uses. It is for site plans and subdivisions that comply with the current uses. The Zoning Board handles items are not allowed in the ordinance. The Planning Board has ancillary jurisdiction. If the primary use is permitted, then the Planning Board can consider bulk variances and design waivers. The Planning Board has to ensure the applicant has satisfied all the ordinance requirements.

Mr. Cucchiaro reviewed the different types of variances and how the applicant has to make their proofs. They have to satisfy the positive criteria and that the negative criteria will not affect the community in a negative fashion.

Mr. Brown had a question regarding the traffic aspect for an application, and is it worthy of a denial. Mr. Cucchiaro said an increase in traffic is not a reason for a Planning Board to deny an application because the law says that is something the Governing Body would have taken into account when adopting the Ordinance. The Board does have the right to review the ingress and egress of the development.

Mr. Cucchiaro spoke about design waivers, or sometimes called an exception. The same level of proofs are not necessary to get a design waiver. He spoke about the Residential Site Improvement Standards, "RSIS". He spoke of outside agency approvals and their level of jurisdiction, such as the DEP or the DOT. He described the difference between site plans and subdivision plans.

Mr. Cucchiaro spoke about the Master Plan, and how it is adopted by the Planning Board which expresses the policy goals and objective of the Municipality. The land use and housing element are part of the whole Master Plan. The Master Plan needs to be reexamined every 10 years.

Mayor McNaboe asked Mr. Cucchiaro to explain to the Board the process of making a motion and what needs to be included in that motion. Mr. Cucchiaro said that when we vote at the end, if an applicant is seeking site plan approval, that is a straight forward motion. If they are asking for a variance, the motion should be stated: 'a motion for a positive approval for a site plan with ancillary

variance relief'. Certain variance can be granted individually, such as front yard setback, but not grant the rear yard setback. Any conditions need to be added in as well. Mayor McNaboe asked if a motion can be amended, if a Board member has made a motion, but another Board member would like to remove a certain condition, for example? Once it's made, is it done? Mr. Cucchiaro said it can be amended. You would vote on a motion to amend, and if that motion passes, then you would vote on the amendment.

Mr. Castronovo asked Mr. Cucchiaro to review RSIS standards again. Mr. Castronovo asked about Townships owning the streets within a private community and Mr. Cucchiaro explained that this is more common in the last 20-25 years and they have to comply with the RSIS.

Mr. Cucchiaro swore in Ms. Beahm at 8:10 pm.

Ordinance 2021-09: An Ordinance Further Amending Ordinance 2020-07 Providing for Multi-Family Housing with an Inclusionary Set-Aside of Affordable Housing to be Developed in the Newly Created AH-Diocese Affordable Housing Overlay Zone

Ms. Beahm said there were some additional modifications that needed to be made to this Ordinance. It is Ms. Beahm's opinion that this Ordinance is substantially consistent with the Master Plan, namely the Housing Element and Fair Share Plan, as well as the Settlement Agreement between the Township and the Fair Share Housing Center that had been approved by the Court.

Mr. Brown noted that he was recusing himself from this Ordinance.

A Motion was made by Mr. Fisher, Seconded by Mr. Castronovo, that Ordinance 2021-09 is substantially consistent with the Master Plan.

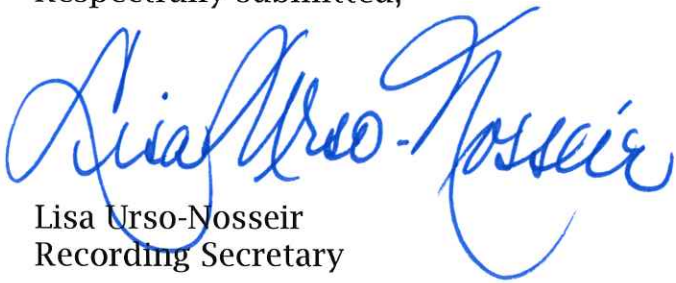
Yes: Fisher, Castronovo, Ginsberg, D'Agostino, Kwaak, McNaboe, Jacobson, Hogan, Kastell
No: None
Absent: None
Abstain: Brown
Not Eligible: Shorr

Chairwoman Kwaak opened the floor to any non-agenda items, seeing none she closed public.

Chair Kwaak reminded the Board that the next meeting is May 13, 2021.

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

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary