

**Township of Manalapan**  
120 Route 522 & Taylors Mills Road  
Manalapan, NJ 07726  
(732) 446-8350

## **Planning Board Minutes**

### **Virtual Meeting**

**July 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  
Brian Boccanfuso, Planning Board Engineer  
Jennifer Beahm, Planning Board Planner  
Lisa Urso-Nosseir, Recording Secretary

### **Minutes:**

A Motion was made by Mr. Fisher, Seconded by Mr. Castronovo to approve the Minutes of June 24, 2021 as written.

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

No: None

Absent: None

Abstain: None

Not Eligible: Kastell, Shorr

**Application:** PAS1824A ~ KR Holdings, Inc.  
500 Craig Road ~ Block 2503 / Lot 26.02  
Amended Final Minor Site Plan

Dante Alfieri, Esq. of Cleary, Giacobbe, represented the applicant, KR Holdings, this evening. They are appearing before the Board seeking amended site plan approval for 500 Craig Road. They would like to propose a 3,000 sq ft patio strictly for the use of their tenants who will occupy the lower level suites.

Mr. Cucchiaro swore in Kikis Kyriacou, he is one of the shareholders of KR Holdings, Inc. Mr. Kyriacou said the two lower level suites are approximately 8,000 sq ft. Although it is called the lower level, it is basically a basement with no windows. He has been unable to rent the space because tenants are hesitant since there are no windows for fresh air. It would be appealing to have a picnic table allowing the employees an opportunity to have lunch outside. The patio is just for the tenants, it's not open to the public.

Mr. Cucchiaro swore in Daniel Sobieski, Professional Engineer licensed in the State of New Jersey with eight years of civil engineering experience. Mr. Sobieski said the patio will be setback approximately 72' from Craig Road. He shared the screen to show the patio design to the Board. This is an accessory structure which is subject to the front and side yard setbacks. The patio is sunken into the ground, it would not be a detriment to the public welfare. The patio will be constructed of concrete and access to patio will be through a set of stairs leading from the lower level. The patio will be surrounded by retaining walls, a decorative fence will go on top of the retaining walls. There is a proposed trench drain that will go along the northern perimeter of the project.

Mr. Boccanfuso asked if there was any investigation into the ground water conditions, or soil stability to ensure that these improvements are constructible. Mr. Sobieski said they have not performed such tests, but he noted that the owner has not experience any flooding or drainage issues.

Mr. Brown asked if there would be any bollards at the top of the wall to prevent a car accident? Mr. Sobieski said the patio is pretty far set back from Craig Road.

Mr. Kastell asked how does the applicant intend to limit the use of the patio to solely the basement tenants when there is a set of stairs out in the open? Mr. Cucchiaro restated the question and said how is the enforcement of the use of the patio going to be handled? Mr. Kyriacou said he has owned the building for almost 25 years and he has not had anyone trespassing on the property.

Ms. D'Agostino asked if prospective tenants specifically requested an outside patio? Mr. Kyriacou said the possible tenants are not willing to rent the lower level space without the ability for their employees to be able to step outside and get some fresh air and/or have their lunch outside. Mr. Cucchiaro said one of the goals of planning is to be provide light and open space and certainly the outdoor patio would accommodate those needs.

Mr. Fisher asked where the runoff from the patio would go and Mr. Sobieski said there is a proposed trench drain which will go to one of the basins in the rear of the building. Mr. Fisher asked if there was an awning proposed and it was confirmed that there is not an awning or any kind of covering.

Chief Hogan asked that there be language put into the Resolution in regard to any testing, that the Building Department would want some engineer specs on the size of patio and other additional details. Mr. Cucchiaro said that will be a condition of the Resolution.

Chairwoman Kwaak opened the floor to the public. There were no questions or comments from the public, so the public section was closed.

A Motion to grant Amended Preliminary and Final Site Plan approval with ancillary variance relief was made by Mr. Ginsberg, Seconded by Mr. Fisher for Planning Board application PAS1824A ~ KR Holdings, Inc.

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

**Public Hearing:** Preliminary Investigation of the Area of Need of Redevelopment for Certain Properties within the Route 33 Corridor

Mr. Cucchiaro said the review tonight is governed by the local redevelopment and housing law. The area has been designated for redevelopment. The Township's Governing Body has the right to identify certain blocks and lots that it would like to investigate to see if they qualify to be an area in need of redeveloping. The law states that once a Governing Body does that, it has to direct the Planning Board to do a preliminary investigation. Each lot has to satisfy at least one aspect of the criteria to be further investigated. The Planning Board is not present tonight to decide whether or not we like redevelopment - the law doesn't allow us to do that. We are here to determine if each lot satisfies one or more of the eligibility criteria. We will hear about the characteristics of the lots and if they satisfy one or more of the criteria.

Ms. Beahm stated that her office issued a report looking at the 23 properties in the area bound by Route 33 and Woodward Road - the southwest corner. There are eight criteria, lettered A -H, and the report details what each letter involves. Ms. Beahm said many of the properties qualify for multiple criteria. Ms. Beahm broke down the properties as follows:

Block 73 / Lot 1: this is a land-locked, undeveloped piece of property less than  $\frac{1}{4}$  acre in the C3 zone, but it is severely undersized. This lot will fall under Criteria C, it exists of unimproved vacant land for over 10 years and is not likely to be developed on its own. It also meets Criteria E, because of its diverse ownership. Undertaking of developing this property is unlikely, resulting in stagnant condition of the land.

Block 73 / Lot 2: also land-locked and undersized. This lot meets the Criteria C and E.

Block 73 / Lot 3: again, an undersized land-locked piece of property and it qualifies under Criteria C and E.

Block 73 / Lot 5: vacant, undersized piece of property. It does not have access by a qualified street and it would qualify under Criteria C and E.

Block 74 / Lot 6: this is a commercial piece of property. It contains a 1  $\frac{1}{2}$  story Cape Code-type structure. There are a number of trailers stored on the property. It will qualify under Criteria D, based upon the design. It has narrow frontage and is exceedingly deep, but it is unlikely to be developed. The building dates back to the 1960s and also qualifies under Criteria E, which goes to the diversity of the ownership.

Block 73 / Lots 4, 6, 7 and 8 and Block 74 / Lots 7 and 8: this the area where Marion Manor stands. Between lack of maintenance of the property and lack of care of the facility itself, this property will meet Criteria A, which is mismanagement, neglect and it is blighted.

Block 74 / Lot 9: a three acre farm property. It is predominately wooden and there was a foreclosure on this property in 2020. The assessment value for this property was \$100.00. This property falls under Criteria E.

Block 74 / Lot 10: contains an ice-cream shop and another building which appears to be vacant. There is a lot of pavement and no delineated access onto Route 33 and lack of identified striping.

Block 74 / Lots 9, 10 and 11.01: under the same ownership. Given the lack of recent building design as well as some safety concerns with respect to access, we would identify this as Criteria D and E.

Block 74 / Lot 11.01: a farm piece of property located along Woodward Road. Given the lack of access, and that it has been unimproved, this property qualifies under Criteria C.

Block 74 / Lot 12: this property is Gaitway Farm. There is an expired easement that allowed the bowling alley, which is not part of this redevelopment area, to park on a portion of Lot 12 and the title search says the property was willed by Kenneth Fisher, Sr. to his three sons. However, the property is now owned by the Kenneth Fisher Revocable Trust and the adjacent bowling alley is owned by a different entity, of which one of the brothers is a principle, and that has been sold. Given all of the questions regarding the title, the easement, etc. this would fall under Criteria E.

Block 75 / Lot 1: vacant, land-locked property and falls under both Criteria C and E.

Block 75 / Lot 2: also land-locked, under sized and this falls under Criteria C and E.

Block 75 / Lots 3, 4, 5 and 7: undeveloped, and very undersized. All four properties combined together total just .36 acre and they are vacant and fall under Criteria C and E.

Block 75 / Lot 6: land-locked, undeveloped and undersized. It appears that some equipment such as a boat is stored on that lot. We would recommend Criteria C and E.

Block 75 / Lot 8: undeveloped property that is almost an acre and Ms. Beahm would recommend it falls under Criteria C, it has remained this way for a period of at least 10 years.

As a summary, Ms. Beahm stated it is her recommendation that given the review of the area, there is some historical data in the document that shows how the area came to be what it is. Nothing really has transpired in this area over the past 10 years. We would recommend that the area meets the criteria of being in need of redevelopment.

Mr. Cucchiaro asked Ms. Beahm to explain how she and her colleagues prepared the redevelopment study. Ms. Beahm said she has been on the properties on multiple occasions over the course of a year and performed historical record

research which shows the transition of this area over the course of time. She looked at the violations issued by the State in connection with Marion Manor. She worked with GIS and zoning maps and historical aerial data to come up with her analysis of the properties.

Mr. Kastell questioned why some of the properties meet the criteria when they have not been dormant for 10 years. Gaitway Farm hasn't been abandoned for that long, as well as Creme Freeze. Ms. Beahm explained that not all of the lots fall under the ten year rule of Criteria C. Mr. Cucchiaro said the decision as to whether these lots should be redeveloped or not is up to the Governing Body.

Mr. Brown asked Ms. Beahm to explain the different colors used in the tax map exhibit. She used the colors to identify different uses. Mr. Brown asked why were the small, land-locked lots created in the first place? Ms. Beahm said those properties have been there for awhile and is unsure how and why they were created to be so undersized.

Ms. D'Agostino said some of the lots do have frontage on Route 33. Why would we put them in the mix? Ms. Beahm said there is only a couple that have significant frontage. A lot of the properties that have frontage, they are less than 75' and that is not adequate for a commercial driveway on Route 33.

Ms. Beahm wanted to point out that we have to identify right up front in the report that this is a non-condemnation designation, meaning that no eminent domain could be used. Nobody is going to lose their property should they choose not to engage in the process. It would have to be an at will sale. It will allow for a nice size assemblage of the properties to give a more viable opportunity for that kind of development.

Mr. Fisher asked about the DOT and an additional traffic light. Ms. Beahm said that is not the basis for the criteria for a redevelopment study. Mayor McNaboe thanked Ms. Beahm for her in depth report.

Mr. Castronovo asked how can there be traffic trailers on the land-locked lots? Ms. Beahm said she is not aware how the trailers got there, it was just an observation on the numerous times she has been out to the site. Mr. Cucchiaro sometimes people start using their property that is not their own.

The floor was open to the public for questions or comments.

Mr. Cucchiaro swore in Larry Cullington, 108 Ward Street, Toms River, New Jersey. He owns Block 73 Lot 5. Mr. Cullington said there is a road called Prosperity Street and the lots are not land-locked. It was built in the 1920s for farm workers. There were homes on these tiny lots for the farm workers. When the potato

business died out, the farm workers left the area and the houses fell apart. He owns the lot and just used it for storage. He strongly supports redevelopment of the area. Mr. Cucchiaro asked if Prosperity Street is a public road and Ms. Beahm said it is not identified as a public road on the tax maps.

There were no other comments from the public, so public was closed.

Mr. Cucchiaro explained to the Board that they have a few options. If the Board accepts Ms. Beahm's recommendations in total, there would be a Motion to recommend that all of the lots satisfy the criteria to be an area in need of redevelopment pursuant to the reasons expressed in Ms. Beahm's report. If the Board finds some of them are, and that some of them are not, you would have to limit it to the blocks and lots that you agree with. If you find that none of them are, you would just find that none of them are. If you agree, it would be a Motion to recommend that all of the blocks and lots identified in the preliminary investigation for the reasons expressed in Ms. Beahm's report.

A Motion was made by Mr. Fisher that all of the identified blocks and lots fit into the criteria in the preliminary investigation of Ms. Beahm, and Seconded by Ms. D'Agostino.

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

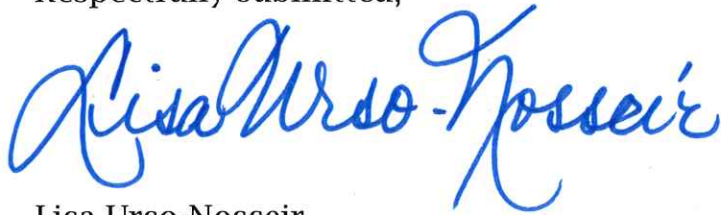
Chairwoman Kwaak opened the floor to any non-agenda items. Seeing none, it was closed.

The Board discussed resuming in-person meeting beginning in August. Mayor McNaboe asked Mr. Cucchiaro about the options of how meetings are going to be held. Mr. Cucchiaro stated the health State of Emergency is over, but the General State of Emergency is not. The Board can continue to hold remote meetings if they want. If the Board wishes, it can hold a hybrid meeting. In his experience at other municipalities, the hybrid approach was not a positive one. We have to keep our eyes on the Executive Orders and see if we will be forced back into remote only meetings. Mayor McNaboe said he'd like to give it a go so more residents can be involved. Mr. Cucchiaro said he'll talk to Ms. Nosseir to get the proper language into our Open Public Meetings Act Notice as well as future applicant's Noticing.

Chair Kwaak reminded the Board that the next meeting is August 12, 2021.

Ms. D'Agostino made a Motion to end the meeting 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