

Township of Manalapan
120 Route 522 & Taylors Mills Road
Manalapan, NJ 07726

Planning Board Minutes
Reorganization and Public Meeting
January 11, 2024

The meeting was called to order at 7:33pm by Acting Recording Secretary Nancy McGrath with the reading of the Open Public Meetings Act, TV Disclosure Statement, and followed by the salute to the flag.

Mayor Musich administered the Oaths of Office to Chief Hogan, Mr. Brown, and Mr. Shorr. After they were sworn in, Ms. McGrath continued with the roll call of the members.

In attendance at the meeting: Todd Brown, John Castronovo, Barry Jacobson, Kathryn Kwaak, Jack McNaboe, Chief Hogan, Steve Kastell, Brian Shorr.

Absent from meeting: Barry Fisher, Nunzio Pollifrone, Pat Givelekian

Ms. McGrath read the Resolution allowing the Planning Board to have an Executive Session. A Motion to go into Executive Session was made by Chief Hogan, Seconded by Mr. McNaboe and agreed to by all.

The Board returned from the Executive Session and rejoined the main meeting at 7:48 pm. Ms. McGrath read the roll call once all the Board members returned to the main meeting.

Ms. McGrath requested a nomination for Chairperson.

CHAIRPERSON – A motion was made by Chief Hogan and seconded by Mr. Jacobson to nominate Kathryn Kwaak as Chairperson of the Planning Board. The Resolution was adopted by unanimous vote. None were opposed.

Chairwoman Kwaak then presided over the meeting and called for a nomination for Secretary.

SECRETARY- A Motion was made by Mr. Jacobson and Seconded by Chief Hogan to have Mr. Kastell be the Secretary for the Planning Board. The Resolution was adopted by unanimous vote. None were opposed.

VICE CHAIRPERSON – A Motion was made by Mr. Castronovo and Seconded by Mr. Kastell for Mr. Brown as Vice Chairman. The Resolution was adopted by unanimous vote. None were opposed.

RECORDING SECRETARY- A Motion was made by Chairwoman Kwaak and Seconded by Chief Hogan for Ms. McGrath to be the Recording Secretary. The Resolution was adopted by unanimous vote. None were opposed

2024 MEETING SCHEDULE – The Planning Board meetings will be held on the second and fourth Thursday of the month. There will be one meeting in November, scheduled for November 14, 2024. There will be one meeting in December, scheduled for December 12, 2024. A Motion was made by Mr. Kastell and Seconded by Mr. Brown to accept the meeting schedule for 2024. All voted in favor. None were opposed

ADMINISTRATIVE OFFICER – Chairwoman Kwaak offered a nomination for Nancy Defalco to be Administrative Officer and a Motion was made by Chief Hogan and Seconded by Mr. Kastell. The Resolution was adopted by unanimous vote. None were opposed.

BOARD ATTORNEY – A Motion was made by Chairperson Kwaak and Seconded by Mr. McNaboe to appoint Weiner Law Group, LLP. as Board Attorney. The Resolution was adopted by unanimous vote. None were opposed.

BOARD ENGINEER – Chairwoman Kwaak appointed CME Associates – as Board Engineer and a Motion was made by Chief Hogan, and Seconded by Mr. Brown. The Resolution was adopted by unanimous vote. None were opposed.

BOARD PLANNER – Chairwoman Kwaak appointed Leon S. Avakian – as Board Planner and a Motion was made by Mr. McNaboe, and Seconded by Mr. Kastell. The Resolution was adopted by unanimous vote. None were opposed.

Chairwoman Kwaak stated for the record that the designated newspaper for the 2024 Manalapan Township Planning Board is The Asbury Park Press.

Mr. Cucchiaro swore in Brian Boccanfuso, Professional Engineer of CME Associates and Jennifer Beahm, Professional Planner, Leon S. Avakian, Inc.

Minutes:

A Motion was made by Chief Hogan and Seconded by Mr. Castronovo to approve the Minutes of November 9, 2023 as written.

Yes: Brown, Castronovo, Jacobson, Kwaak, McNaboe, Hogan, Pollifrone
No: None
Absent: Fisher, Pollifrone, Givelekian
Abstain: None
Not Eligible: Shorr

Resolutions

PMS2321 ~ Mill Contracting, LLC
705 Tennent Road ~ Block 11 / Lot 32
Amended Site Plan

A Motion was made by Chief Hogan and Seconded by Mr. Brown to approve the Mill Contracting Resolution.

Yes: Brown, Castronovo, Jacobson, Kwaak, McNaboe, Hogan, Shorr
No: None
Absent: Fisher, Pollifrone, Givelekian
Abstain: None
Not Eligible: Kastell

Applications

PMS2238 ~ Monmouth Battlefield Flex Co., LLC
Route 33~Block 79.02/Lots 2, 3 & 5
Preliminary & Final Major Site Plan - Flex Space

Mr. Cucchiaro made the announcement that application PMS2238 will be carried to the February 8, 2024 meeting and no further noticing to the public.

PMS2314 ~ Vincent Tornatore
45 Saupe Drive ~ Block 339 / Lot 12.01
Two-Lot Minor Subdivision

Mr. Alfieri, the attorney for the applicant, stated his client was heard before the Board previously and had technical review meetings with the Board Professionals. They made design changes based on comments and recommendations from those meetings. Ultimately no matter how the lots were to be divided they could not create lots that were variance free

The first plan for review (revision date 11/22/23) has just three variances but one of the lots is undersized for the zone. Anthony Maltese, the applicant's engineer, gave testimony regarding the changes that were made from previous iterations. The new design creates two corner lots but now the existing lot is undersized and will require variance relief. The improvable area for both lots would meet the required 6000 sq. ft minimum. The new proposed lot is a conforming corner lot size with just over 30,000 sq. ft but the lot depth would be 120 ft whereas 180 ft. is required. The prior plan dated 10/24/23 created an interior lot but triggered multiple bulk variances including improvable area, however, both lots were conforming in regards to minimum lot area.

Mr. Maltese continued to review the 11/22/23 plan and field questions from the Board Professionals. He also stated as a condition of approval he would address all CME technical comments to the Board Professionals' satisfaction.

Ms. Beahm asked him to review the lot frontage details again.

- Lot 12.02 on Saupe would have 133.82 ft. of frontage
- Lot 12.03 on Basswood would have 95.05 ft of frontage

On both lots a variance is needed for lot frontage since 150 ft is required minimum.

Mr. Boccanfuso also wanted to confirm for the record that there is a right-of-way dedication proposed on the south easterly corner of the property to provide standard curb frontage at the intersection as to not have the private property extend to the curb. Mr. Maltese agreed that is the case.

Chairwoman Kwaak asked Board members if they had any questions for the applicant.

Chief Hogan asked how much the existing lot would be undersized after subdivided. Mr. Maltese explained the lot (12.02) would be 23,401.35 sq. ft. whereas the requirement is 30,000 minimum sq. ft. for a corner lot.

Mr. McNaboe expressed concern about opening up a "Pandora's box" on future proposals from residents who want to subdivide and create undersized lots. He also stated he thought the previous plan did create two conforming lots in terms of square footage – one corner lot and one interior lot. Mr. Maltese said yes but it would then create more bulk variances and the improvable area would be under the 6000 sq. ft. requirement.

Mr. Maltese referenced the 10/24/23 subdivision plan which created two conforming lot areas but would need variances for frontage, rear yard, improvable area and diameter, lot depth, and rear yard.

Ms. Beahm went into more detail on the variances that would be required if the previous plan was approved.

- The existing lot referred to as lot 12.02 would need relief for frontage which is an existing condition on Saupe.
- Rear yard setback – required 50 ft - proposed for lot 12.02 is 24.31 ft
- Minimum Improvable area 6000 sq ft – proposed for lot 12.02 is 3791 sq. ft.
- Minimum Improvable area 6000 sq ft – proposed for lot 12.03 lot has 4705 sq. ft.
- Improvable Diameter is 60' – proposed for lot 12.02 is 52' and proposed for lot 12.03 is 46'

Ms. Beahm asked Mr. Maltese if the current plan being proposed tonight would comply with the bulk standards. He stated lot area, lot frontage and lot depth would not comply.

Mr. McNaboe referred to the two site triangle easements on the property and Mr. Alfieri stated his clients understand what can and cannot be placed in the easement.

Ms. Kwaak asked if there were any wetlands on the property. Mr. Maltese said he did a Presence/Absence with the NJDEP and there are no wetlands on the site. Ms. Kwaak also inquired about sidewalks and Mr. Maltese confirmed there are sidewalks in place now and will remain.

Mr. Shorr asked what size house would fit on the smaller lot. Mr. Maltese stated the footprint of the existing house is approximately 1800-2000 sq. feet.

Mr. Jacobson asked how fencing would work on the plan that has two corner lots since they technically have two front yard setbacks creating another hardship. Mr. Jacobson said he would prefer the plan that has two conforming size lots.

Mr. Brown asked how would backyard be developed with pool or patio based on improvable area. Ms. Beahm responded that pools need to be 10ft from rear and side so 50 ft. for backyard setback is OK with the new proposed plan.

Mr. Cucchiaro swore in the next witness for the applicant Justin Auciello, Licensed Planner in the state of NJ. Mr. Auciello detailed his educational background and Board experience and also stated he is employed by Cofone Consultant Group, Red Bank, NJ. Chairperson Kwaak deemed his qualifications sufficient for providing testimony before Board.

Mr. Alfieri asked Mr. Auciello to start with the first plan (11/22) and describe for the board the justification for the proposed subdivision plan. Mr. Auciello stated from a design and flexibility standpoint the plan makes sense because it complies with as much bulk requirements as possible and creates lots that is logical to the end user.

Mr. Auciello also talked about the October plan stating it requires more variances but from a visual standpoint it is still consistent with the character of the area. The existing lot is well oversized so it would make sense to create a minor subdivision. Either plan is not creating a situation inconsistent with the surrounding area lots. Both plans will not present a substantial detriment to the public good. There is sufficient space on both lots so the positive outweighs the negative criteria.

Ms. Beahm commented that in general planning practices the creation of an undersized lot is discouraged. The Board members will need to determine whether they want two conforming lots with more variance relief or create an undersized lot with less relief OR just leave the lot as oversized and don't subdivide.

Mr. Cucchiaro said that a condition of approval would be that they agree to develop within the building footprint and if they don't then they would submit an amended application to get relief from the condition.

Mr. McNaboe commented that the applicant is a longtime resident and looking to subdivide for a family member and not for profit. He is inclined to approve the subdivision but doesn't see Plan 1 as being viable because of the undersized lot situation; Plan 2 seems more feasible because it's creating two conforming lots in area.

Mr. Brown asked Mr. Maltese to draw on the current plan where a fence would go if the new house faced Basswood Drive. Fence Exhibit the Fence Exhibit was marked as A1. Mr. Boccanfuso acknowledged that it's not a given that the applicant would need relief for a fence. They can install a fence that meets the front setback requirement but would limit the usability of the yard. Mr. Cucchiaro said it can be a condition of approval for Plan one that they would need to come back to the Planning Board for fence relief.

Chairwoman Kwaak opened the meeting to the public for comments/questions on this application. Since there were none, the public portion was closed.

Mr. Cucchiaro explained what was before the Board for voting purposes.

Option 1 – vote to approve Plan 1 (11/22/23) which has 2 lots but does not comply with lot area and has less variance relief.

Option 2 – is to grant Plan 2 (10/24/23) which creates 2 lots that are compliant in lot area but requires variance and design waiver relief that was placed on the record.

Or Option 3 – can vote to deny the application

A Motion was made by Chief Hogan and Seconded by Mr. Brown to approve Option 1 (plan dated 11/22/23) - The Motion failed.

Yes:	Brown, Kwaak, Hogan
No:	Castronovo, Jacobson, McNaboe, Shorr
Absent:	Fisher, Pollifrone, Givelekian
Abstain:	None
Not Eligible:	Kastell

A Motion was made by Mr. Brown and Seconded by Mr. McNaboe to approve Option 2 (plan dated 10/24/23) – The Motion was approved.

Yes:	Brown, Castronovo, Jacobson, Kwaak, McNaboe, Hogan, Shorr
No:	None
Absent:	Fisher, Pollifrone, Givelekian
Abstain:	None
Not Eligible:	Kastell

Chairwoman Kwaak opened the floor to the public for non-agenda items. Seeing none, the public portion was closed.

There was discussion about updating an agenda that has already been made public. Mr. McNaboe asked if we can make changes to the agenda/website if we know the applicant will be rescheduled and not be heard at the current meeting. Mr. Cucchiaro confirmed if an applicant is on the agenda but will not be heard, we can update the website to let the public know that no testimony will be given and the applicant is going to be rescheduled to a later date.

Mr. Cucchiaro read the Resolution authorizing an Executive Session to discuss LPG Capital litigation. He also stated the Board will adjourn directly after Executive Session and will not reconvene to the Public.

A Motion to adopt the Executive Session Resolution was made by Chief Hogan, Seconded by Mr. McNaboe.

Yes:	Brown, Castronovo, Jacobson, Kwaak, McNaboe, Hogan, Kastell, Shorr,
No:	None
Absent:	Fisher, Pollifrone, Givelekian
Abstain:	None
Not Eligible:	None

Nancy McGrath
Recording Secretary