

**Township of Manalapan**  
120 Freehold Road  
Manalapan, NJ 07726

**Planning Board Minutes**  
**July 11, 2024 Public Meeting**

Chairwoman Kathryn Kwaak called the meeting to order at 7:31 pm with the reading of the Open Public Meetings Act. The salute to the flag followed.

Mr. Kastell read the TV Disclosure Statement and took the Roll Call of the Board.

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

Also present: Anne Marie Rizzuto, Esq, Planning Board Attorney  
Gerald Freda, PE, PP, Board Planner  
Danny Lopez, PE Planning Board Engineer  
Nancy McGrath, Board Secretary

Ms. Rizzuto, Esq., swore in the Board Professionals.

**Applications**

**PMS2210~CCG Real Estate, LLC**  
**Wood Avenue~Block 49 / Lot 7**  
**3-Lot Minor Subdivision**  
**Hearing #2 (previous testimony 2/22/24)**

Mr. David Shafkowitz, the attorney for the applicant, acknowledged that this is the second meeting for this application and aimed to provide the Board with updates on some outstanding items from the February 22, 2024 meeting. He explained that Mr. Sive, the applicant's engineer, will provide more details as it relates to the NJDEP and the Monmouth County Planning Board (MCPB).

Mr. Robert Sive stated he received MCPB approval for an easement vs. a right-of-way dedication along Wood Avenue which means the lot areas would not change. That letter dated May 28, 2024 is on file with the Board as confirmed by Nancy McGrath the Board Secretary.

Also, they received an email response from Ryan Anderson of NJDEP at the end of May, indicating they would adjust the wetlands line slightly on the center lot. He also visited the site and indicated the wetlands are considered intermediate so when plans are resubmitted a 50 foot buffer is required. The township was not copied on the email but the LOI will be submitted to the township once the applicant gets the formal response from the NJDEP.

Chairwoman Kwaak opened the floor to the Board for any questions or comments.

The Board questioned if there is a usable backyard given the amount of environmental constraints on the properties. Mr. Sive explained with lot 7.03 once they get DEP approval for the buffer reductions, the average lot depth will be about 80 feet from the front setback to the rear buffer line so that would leave ample room for the house and backyard amenities such as a pool, shed, patio in that area. The center lot 7.02 would have about 90 feet lot depth from the front setback to the buffer line so again there is plenty of room for backyard improvements. Mr. Shafkowitz explained further that there will be deed restrictions on each of the lots so the buyer is aware of what they are buying. Additionally, as discussed with Environmental Commission, the applicant will demarcate the buffer line with a split-rail fence.

The Board asked why not do a two-lot subdivision?

Mr. Shafkowitz stated that the lot sizes are compliant for the zoning district but they are deficient for lot frontage. In his opinion, the frontage aligns better with the surrounding properties, and a two-lot subdivision would appear more out of place compared to the other lots in the area. He reiterated the applicant meets the lot size (exceeds) and there is more than enough area to build a nice house that is consistent with the neighborhood. Mr. Shafkowitz also mentioned the use of unilateral covenants on each lot to ensure that buyers are aware of the restrictions on the property.

The Board emphasized the need for fencing for the buffer, curbs and sidewalks, and driveway turn-around, if the application is approved. Ms. Rizzuto addressed the proposal and explained that the Board will be voting on whether to approve the three-lot subdivision. If the application is denied, the applicant can submit new plans and return with a two-lot proposal. She also added some talking points regarding the pros and cons of deed restrictions and/or unilateral covenants. If deed restrictions are on the Title, then zoning/land use boards cannot override the restriction. The restrictions will remain on the deed, but unfortunately, it's not always apparent to the buyers until after they have made the commitment to buy. Mr. Shafkowitz responded by stating that the deed restrictions are included in the listing (MLS), and failing to disclose them would be malpractice on the part of the broker and misrepresentation by the seller.

Chairwoman Kwaak opened the application to the public. Seeing no public comments, she closed the public session. She then asked for a motion to either approve or disapprove the application for a three-lot subdivision.

A Motion was made by Chief Hogan and Seconded by Mr. Castronovo to approve the CCG Real Estate, LLC application for a 3-lot subdivision on Wood Avenue.

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

There were 6 NO votes and 3 YES votes, so the application is not approved.

**Correspondence** – A letter for Woodward Road Block 76.03 Lot 11.01- stating an LOI was submitted to the NJDEP by Mike Shore Builders LLC. The applicant is only verifying the extent of freshwater wetlands/state open waters at this time. There is no current Planning Board application filed.

**Non Agenda Items** – None

**Adjournment** - Chief Hogan made a motion to adjourn.

Submitted:  
Nancy McGrath