

Township of Manalapan
120 Freehold Road
Manalapan, NJ 07726

Planning Board Minutes
December 12, 2024 Public Meeting

Chairwoman Kathryn Kwaak called the meeting to order at 7:33pm 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: Todd Brown, Barry Jacobson, Kathryn Kwaak, Jack McNaboe, Chief Hogan, Steve Kastell, Brian Shorr, Nunzio Pollifrone, Pat Givelekian

Absent: Barry Fisher

Also present: Ronald Cucchiaro, Esq, Planning Board Attorney
Jennifer Beahm PE, PP, Board Planner
Danny Lopez, PE Planning Board Engineer
Nancy McGrath, Board Secretary

Mr. Cucchiaro, Esq., swore in the Board Professionals.

Minutes

A Motion was made by Chief Hogan and Seconded by Mr. Fisher to approve the minutes of **November 14, 2024** as written.

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

Resolutions

PPM2255 LPG Capital

Block 79, Lots 21.01 & 21.02
Sweetmans Lane (CR 527) & Kinney Road

This resolution will be carried to the January 9, 2025 reorganization meeting.

Applications

PMS1931A/PMS193TS - Cardinale & Manalapan Crossing Associates

Amended Preliminary & Final Major Site Plan

Minor Technical Subdivision

Block 66 Lot 8.03 / 162 HWY 33 (Shoprite)

The amended plan is proposing to eliminate buildings B, C, and D and replace with a New Building B.

No Change to Build A, E, F, and G

Mr. Cucchiaro announced that the application will be carried to the January 9th reorganization meeting for scheduling purposes only, since the new meeting dates for 2025 have not been formally adopted. The intention is to hear this application on January 23, 2025. There will be no further notice to property owners. Plan documents are available at the township Planning and Zoning Department.

PMS2323 Marta Sajdak

63 Tracy Station Road ~ Block 51 / Lot 3.02

Preliminary Major Subdivision

Two-lot subdivision (originally a three-lot subdivision)

Plans resubmitted 10/09/24 - now a two-lot subdivision vs. three-lot

Mr. Casper Boehm, attorney representing the applicant, introduced Mr. John Ploskonka, PE as the first witness and he was sworn in by Mr. Cucchiaro. Mr. Ploskonka's credentials were deemed sufficient by Chairwoman Kwaak.

Exhibit A1 – Aerial Photograph view showing the overall layout
Lot 1 – the new lot will be a little over 4 acres
Lot 2 – existing home is 2 acres.

Mr. Ploskonka introduced **Exhibit A1** and explained that the property consists of a six-acre parcel with an existing single-family home. The plan is to create a new corner lot on Tracy Station and New Beginnings, which will feature a single-family house. The new lot will be connected to city water and sewer services.

Because of the wetland constraints, right-of-way dedication, and lot line creation, a number of variances are required for lot frontage, lot width, front yard setback, side yard setback, improvable area, and improvable diameter. Waivers are also needed for the fence between the wetlands buffer and the uplands because it will run into the front setback line. Retaining walls are planned for the corner lot, which has frontage on both streets. Since the walls will exceed three feet in height and encroach into the front setback, a variance is required as well.

The applicant is requesting a waiver to raise the grade, as the lot is low and the houses across the street sit approximately seven to eight feet above street level. The proposed new house will have a finished grade about four to five feet above the natural ground to ensure proper drainage to the street. Additionally, since there are no existing sidewalks or curbs on either street, the applicant is requesting to contribute to the Sidewalk Fund instead of constructing sidewalks and curbs, unless the Board specifically requires them on Tracy Station.

The applicant did not provide architectural plans but is proposing a new single-family home consistent with the surrounding neighborhood. Per CME's request, a deed restriction will be provided for stormwater management. Additionally, the applicant will work with Shari Spero of CME to create a tree-clearing plan and contribute to the Shade Tree Fund if necessary. Internal departments, including Fire, Police, and Health, raised no objections, and the Tax Assessor has assigned new lot numbers. Mr. Ploskonka summarized by stating that the proposal is essentially to develop one single-family house on a four-acre corner parcel, with connections to city water and sewer.

Mr. Lopez confirmed with Mr. Ploskonka that all stone driveways shown on the plan will be removed. He also inquired about the submission of transition area waiver permits to the NJDEP. Mr. Ploskonka indicated that the application has been prepared and is expected to be submitted this week. Mr. Lopez recommended, as a condition of approval, that if the NJDEP does not approve the transition area permit, the applicant must return to the Board, as it could impact the variance relief being requested. Mr. Cucchiaro noted that a standard condition in every resolution requires obtaining all necessary outside agency approvals.

Mr. McNaboe asked why they are paying into Sidewalk Fund rather than installing the sidewalks. Mr. Ploskonka responded that there are wetlands on the New Beginnings Way side and no sidewalk anywhere in that direction at all. After some discussion, Mr. Ploskonka agreed they will work with the engineers to do sidewalk and curbing along Tracy Station. Mr. Ploskonka also confirmed that there will be no further subdivision of that property and the acres will be dedicated to wetlands and deed restricted.

The existing home will retain its current driveway, while the new lot will feature a driveway on New Beginnings. However, the Board raised concerns about the proximity of the new driveway to the intersection. Mr. Ploskonka assured the Board that there would be sufficient visibility and noted that the placement is limited by the wetlands on the opposite side of the house.

Ms. Beahm inquired whether consideration had been given to orienting the house to face Tracy Station instead of New Beginnings. Mr. Ploskonka stated that he is willing to work with both Ms. Beahm's office and Mr. Lopez's office to explore the possibility of reorienting the house to face Tracy Station.

Mr. Brown raised concerns about the limited space available for backyard amenities due to the wetlands on the lot. He also questioned whether the new lot is a viable and developable property. Mr. Ploskonka stated that the lot is developable and they will provide documentation to show the footprint of the house will allow for backyard amenities.

Mr. Cucchiaro stated that when the applicant returns for final approval, they must provide a more detailed description of the rear yard's size to give a clearer understanding of its usability and what amenities can be accommodated.

Mr. Pollifrone inquired whether there was any indication of other buildings that might have previously existed on the new lot. Mr. Ploskonka responded that no visible footings or foundations were found, and during the environmental impact statement, Phase 1 site assessment, and pesticide testing, no evidence of underground storage tanks or related information was identified.

Chair Kwaak asked about the tree line separating the two lots. Mr. Ploskonka stated that he could coordinate a field meeting with the town forester to discuss the possibility of retaining some of the tree line between the new and existing lots to create a buffer.

Ms. Beahm suggested including fencing in the final plan, noting that if the house orientation remains the same, Tracy Station is considered frontage on a corner lot. She explained that most homeowners prefer a six-foot fence around a pool, and without addressing this in the plans, the property owner would need to return to the zoning board for relief. Ms. Beahm also recommended using four-foot-high split-rail fencing to demarcate the wetlands rather than chain link fencing. Mr. Brown inquired if the split-rail fence could be made of vinyl so it will last longer, and Mr. Ploskonka agreed to that recommendation.

Mr. Kastell asked if there were plans for abandoning the septic system since the applicant will be connecting to sewer. Mr. Ploskonka confirmed that the septic system will be abandoned in compliance with all applicable regulations.

Michael Davis, licensed planner in the state of NJ, was the next witness to testify on behalf of the applicant. His credentials were deemed sufficient by Chairwoman Kwaak.

Mr. Davis provided testimony concerning the variance relief being requested to ensure the necessary proofs under the Municipal Land Use Law (MLUL) were addressed. Regarding the improvable lot variances, he cited the wetland conditions and wooded areas at the rear of the property as the primary hardship which aligns with the C1 criteria due to the severe limitations these features impose on development potential. Additional work requested by the Board will be undertaken by the applicant's engineer to ensure the lots are developed in the most appropriate manner.

Mr. Davis addressed the frontage width and setback variances required for the proposal, asserting that it would not cause any severe detriment to the surrounding area. He introduced **Exhibit A2**, an aerial image dated December 2024, which provided a broader view of the neighboring properties. He highlighted that there are properties within the R40/20 zone do not conform to the zone's conditions. Specifically, the relief being requested is consistent with the area's existing development.

Mr. Davis further testified regarding the application's alignment with the purposes of the Municipal Land Use Law (MLUL). He explained that the proposal supports **Purpose A**, which promotes public health, safety, and general welfare. This is evidenced by the inclusion of a right-of-way dedication, sidewalks, and curbing along the frontage of Tracy Station where it is most appropriate. The subdivision is also promoting the establishment of appropriate densities and concentrations that enhance the well-being of individuals, neighborhoods, and communities. Conservation easements will be established on the rear portions of the properties, limiting further subdivision and development and maintaining open space.

Additionally, Mr. Davis noted that the subdivision aligns with **Purpose G** of the MLUL, which seeks to provide sufficient space in appropriate locations for residential uses. The proposed homes is consistent with the R40/20 zone standards. The application also supports **Purpose I**, aiming to create a desirable visual environment through creative development and civic design. To this end, the proposal includes street trees, sidewalks, curbing, and revised fencing to secure and protect wetland areas in perpetuity.

Mr. Davis emphasized that the requested variances can be granted without causing substantial detriment to the public good. He noted that the lot area and density are appropriate for the location and do not significantly detract from the zoning ordinance or master plan. Overall, he concluded that the positive criteria standards for the C1 and C2 variances have been satisfied.

Ms. Beahm did not take exception to any of the testimony provided by Mr. Davis. However, she noted one point regarding the existing home on the property. The creation of the subdivision line results in the need for a side yard setback variance for the existing home. The ordinance requires a 35-foot side yard setback, but the new lot line would leave approximately 28 feet to the side. Ms. Beahm said that

the house is not positioned too close to the property line and that the remaining distance is sufficient to promote air, light, and open space.

Mr. McNaboe requested that the resolution include a provision specifying that the owner of the new lot will be responsible for maintaining the trees and landscaping along New Beginnings Way, as sidewalks and curbs will not be installed on that side.

Chairwoman Kwaak opened the application for public comment. As no one came forward, she closed the public portion of the hearing. She then asked for a motion for this application.

Mr. Cucchiaro reviewed the conditions when the applicant returns for final subdivision approval.

- If the driveway is reoriented- should be depicted on the final plan.
- NJDEP approvals must be secured, and any impacts resulting from these approvals must be incorporated into the subdivision plan.
- A better description of the backyard area as to what improvements can be placed such as recreational amenities and/or accessory structures.
- Meet with the Board's licensed tree expert and the results of that meeting should be reflected on the subdivision plan.
- Fencing needs to be depicted on the plan showing the boundaries of the wetland buffer.
- Abandonment of the septic system
- Property maintenance responsibilities in the deed as discussed earlier and is subject to review and approval by the Board professionals.
- Sidewalks and curb on Tracy Station should be on the plan.

A Motion was made by Mr. Shorr and Seconded by Mr. Jacobson to approve the Preliminary Major Subdivision with variance relief.

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

PPM2046 American Properties at Manalapan, LLC

"Heritage at Manalapan" - FINAL SITE PLAN

Sawgrass Drive and Route 33 | Block 7200 / Lot 3.02

(63) Single Family Homes; (2) 3-story AH w/ 30 dwelling units

(1) 15,000 Sq Ft retail building

Received preliminary and final subdivision and preliminary site plan approval on 5/23/24.

Mr. Cucchiaro provided a general overview of this application. He explained that the applicant is returning for final approval, having already secured preliminary approval. The main reason for initially granting only preliminary approval was the unresolved issue regarding the future ownership of the proposed road—specifically, whether it would be municipally owned and maintained or privately owned and maintained. The subject of the hearing will be focused on that issue which has now been resolved with the governing body although requires a technical variance. The Board and the public will not have the opportunity revisit the preliminary approval and reevaluate the Board's prior decision and approval.

Attorney Mr. Ron Shimanowitz, representing the applicant, introduced Mr. Scott Turner, the site engineer. Mr. Turner, who had previously testified on this matter and was recognized as an expert, confirmed that his professional license remains valid.

Mr. Turner referenced Exhibit A2 (previously submitted) which shows the overall plan dated April 25, 2024 and a new Exhibit A14 described as overall plan exhibit – final, and is dated December 12, 2024. The applicant was asked to review the trash enclosures at the affordable housing units. Based on the recommendation of the Department of Public Works, an additional refuse enclosure has been added at the southeast corner of Building B. So now the final plan has two enclosures located between Building A and Building B, along with a third enclosure at the southeast corner of Building B. The last hearing the Board asked to look at the rear lots (36 through 43) which backs up to the retail building to see if additional buffering can be added. The applicant added a row of evergreen plantings in the backyard of the single-family homes along with the six-foot high solid fencing that was already shown. For the retail commercial site, there are additional elm trees that will be planted at 13 feet tall to provide screening too.

Mr. Turner referred to Exhibit A15, titled "Cross-Section Exhibit - 10 Years," dated December 12, 2024, and prepared by a landscape architect. The exhibit illustrates the rear yards of the homes along Theodore Drive and includes evergreen trees with a projected 10-year growth height of approximately 18 feet. It demonstrates that there will be a filtered view of the retail area from the first-floor level of the residential homes. While it is not feasible to completely block the view of the retail area from the top floors of the homes, the trees will continue to mature, spreading and growing taller over time, further enhancing the visual buffer. Mr. Turner clarified for Ms. Beahm that the evergreen trees and the fence will be maintained by the residential lot owners, while the deciduous trees will fall under the maintenance responsibility of the retail tenants.

Mr. Turner addressed the truck movement plan, explaining that discussions were held with the golf course and the water and sewer authority regarding truck sizes. It was confirmed that the largest truck requiring access to the area would be a single-unit 30-foot vehicle (SU-30). They also modeled the movements of a fire truck, school bus, and garbage truck, and determined that all required movements can be accommodated within the development. Mr. Turner also stated he can comply with the remaining technical comments and conditions from the October 30, 2024 CME report. Mr. Turner noted that the permits for the NJDEP water main extension and the NJDEP treatment works permit were both obtained in July of 2024.

Mr. Lopez asked if the private roads will now be on a separate lot. Mr. Turner confirmed they will be on a separate lot(s) and will be worked out with the tax assessor. Mr. Lopez also pointed out that they will be responsible to repair all necessary cross-access easements relative to those private lots.

Mr. McNaboe asked if the access road from Sawgrass Drive still exist for maintenance of the water tower. Mr. Turner explained that any access road that currently exists on the golf course property will remain. There will also be access from the applicant's property which will then give a total of two access points to the water tower.

Mr. Turner agreed to extend the row of evergreens across additional lots to the west, as requested by Mr. Pollifrone, in order to filter the view of the retail area. This will be in addition to the landscaping and fencing already shown on the plan.

Mr. Shimanowitz introduced the final witness, Mr. Rob Larsen, licensed architect and licensed professional planner. His qualifications were deemed sufficient by Chairwoman Kwaak.

Mr. Larsen introduced **Exhibit A16** which is a three dimensional rendering of the rear of the retail. This is to address some Board concerns from the previous hearing. The front architecture treatment will be carried to the rear of the building so it has the same character as the front and "No Idling" signs added to the rear of the building.

The Board also wanted the applicant to show the attic space on the affordable buildings is not living space. A cross-section rendering of the building was submitted prior to the meeting that showed the roof truss and cannot be physically occupied.

Mr. Larsen also gave testimony on the technical variance as well. Mr. Larsen noted that ordinance 95-5.6 N,(4), (i) states that all roads as part of this development are to be public. Mr. Larsen explained to the Board that under the C2 flexible criteria, Purpose A of the Municipal Land Use Law is particularly relevant. He emphasized that the proposal aligns with municipal actions aimed at fostering appropriate development patterns to promote the general welfare. Mr. Larsen noted that the matter has been worked out between the applicant and the town to determine the appropriate ownership of the roads. He assured the Board that regardless of ownership, there will be no changes to the configuration of the development, cross access easements would be provided, and therefore, no substantial detriment would result from the proposed plan.

Chairwoman Kwaak opened the application for public comment. As no one came forward, she closed the public portion of the hearing. She then asked for a motion for this application.

A Motion was made by Mr. Hogan and Seconded by Mr. Castronova to grant final site plan approval with variance relief.

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

Mr. McNaboe thanked the Board and the Professionals for their 2024 service.
Chairwoman Kwaak announced the reorganization meeting will take place on January 9, 2025.

Correspondence – none

Non-Agenda Items - none

Adjournment – Mr. Hogan made the motion to adjourn the meeting at 8:55pm.

Submitted by:
Nancy McGrath