

MANCHESTER TOWNSHIP PLANNING BOARD REGULAR MEETING MINUTES
MONDAY, JUNE 6, 2022
1 COLONIAL DRIVE, MANCHESTER, NEW JERSEY

The Regular Meeting of the Manchester Township Planning Board was called to order by Chairperson Barron at 6:00 P.M. on Monday, June 6, 2022. A Salute to the Flag and Pledge of Allegiance was repeated. This meeting has been advertised as required by enactment of the Sunshine Law.

ROLL CALL:

William Barron	Chairperson	Absent
Felicia Finn	Vice Chairperson	Present
Rory Wells	Mayor's Designee	Absent
Michele Zolezi	Councilwoman	Present
Bill Foor	Member	Present
James Teague	Member	Present
Timothy Poss	Member	Absent
Frank Stavalo	1st, Alternate	Present
Todd Luttmann	2nd, Alternate	Present
Gregory Hock	Board Attorney	Present
Robert Mullin	Board Engineer	Present

MEMORIALIZATIONS:

1. Resolution of Approval: Minor Subdivision
Applicant: PKN Developments, LLC
Property Address: Second Avenue, B: 1.33 L: 9& 16
Case: PB- 2022-01

Mr. Hock: This is an application to split two oversized lots into three conforming lots. There are no variances proposed. The Applicant requested waivers for curb and sidewalks. The testimony from engineer confirmed that the Applicant will obtain outside agency approvals. The Board approved the application along with the requested waivers. Utilities, soil logs, stone driveway/border curb that encroach onto a neighboring property will be addressed prior to construction. Block and lot numbers need to be approved by the Assessor and all other approvals the Town may require should also be met. Monuments are to be set prior to filing and the subdivision will be filed by map

Mr. Hock asked if there were any questions from the Board Members and there were none.

Ms. Finn asked for a Motion to approve.

Mr. Luttmann made a Motion to approve.

Mr. Teague seconded that Motion.

Roll Call Vote: Chairman Barron- Absent; Felicia Finn- Yes; Rory Wells-Absent; Michele Zolezi-Abstain; William Foor- Yes; James Teague-Yes; Timothy Poss-Absent; Frank Stavalo-Abstain; Todd Luttmann-Yes

2. Resolution of Approval: Minor Subdivision
Applicant: Ronald Raisin
Property Address: 112 Southampton Blvd
Case: PB 2022-03

Mr. Hock: This was an application for a minor subdivision approval. Applicant proposed to subdivide one existing tax lot into two conforming lots. No variances were requested. Professional testimony confirmed those conditions. The Applicant requested waivers for curb and sidewalks, and the Board approved the waivers. The Board approved the subdivision with conditions and stipulated that the buildings are to be demolished prior to perfection of the

subdivision. The Subdivision plan must be amended to depict metes and bounds as well as proposed lots. Waiver for curb and sidewalks were granted. Individual plots plans must be submitted prior to construction, the subdivision will be filed by map not deed and monuments are to be set.

Mr. Hock asked if there were any questions from the Board Members and there were none.

Ms. Finn asked for a Motion to approve.

Mr. Teague made a Motion to approve.

Mr. Luttmann seconded that Motion.

Roll Call Vote: Chairman Barron- Absent; Felicia Finn- Yes; Rory Wells-Absent; Michele Zolezi-Abstain; William Foor- Yes; James Teague-Yes; Timothy Poss-Absent; Frank Stavalo-Abstain; Todd Luttmann-Yes

APPLICATIONS:

1. Application for a Statutory Extension of Approvals
Property Address: Rt. 37 and Colonial Drive
Block: 46.01 Lots: 1.01 & 1.03
Applicant: Presidential Gardens at Manchester LLC
Attorney: Harvey York, Esq.
Case #PB-2022-04

Mr. Harvey York, Esq represents the applicant and testified that this application has been pending for a long time. He said it was coming on its' ten (10) year anniversary. The Applicant received Amended Site Plan Approval and they are now seeking a one-year extension for the Amended Site Plan Approval. The Applicant is still waiting for NJ DEP to finish its' review, but they are hopeful that NJDEP will finish within the next six (6) months.

Mr. Hock explained that the Applicant is entitled to a two-year period of protection and that this should be an "as of right" application unless the delays were within the Applicant's control.

Mr. Mullin asked that the Applicant submit proof to the Board that the property taxes are paid up to date.

Ms. Finn opened the Application to the public.

Mr. Hank Glen of 29 Wycliffe Dr., Whiting, NJ approached and asked, because the application was approved 10 years ago, whether the Applicant would have to comply with new NJDOT guidelines because traffic has certainly changed within the last ten years.

Mr. York testified that two years ago the application was brought up to all current standards when they came back for Amended Approvals. Prior to the Amended Application, the Applicant worked with NJDOT for three years to prove the application would work and then DEP said it would increase pollution so it was amended again to comply with DEP regulations.

Karen Argenti of 61 Clear Lake Rd. came forward and asked whether the application complies with new or old storm water regulations.

Mr. York replied that DEP required them to be up to date. They believed there was a potential endangered species, some kind of snake, so the applicant also had to buy 10-15 acres somewhere else to compensate.

Ms. Argenti asked where the property was and if it was deeded.

Mr. York replied that the property was in Town but was not sure of the exact location at the moment, but that it was decided.

Ms. Argenti than asked if the basins were the Town's responsibility and if the development had to comply with the new NJDEP stormwater management rules.

Mr. Mullin said that the basins would be the responsibility of the property owner, and that the application was originally approved in 2012 and resubmitted/approved as an amended application in 2020. Both predate March 1, 2021 so the new regulations do not apply.

Ms. Argenti asked if the application was complete at the time and Mr. Mullin confirmed that it was. She then asked why the application had to be done twice and Mr. York explained that the Application was Amended. She also wanted to know if there were wetlands on the property and Mr. York explained that the Application has been thoroughly reviewed by the Township and DEP to meet all environmental requirements.

Ms. Finn closed Public Comment.

There were no Board questions or comments.

Ms. Finn asked for a Motion to approve.

Mr. Teague made a Motion to approve.

Ms. Zolezi seconded that Motion.

Roll Call Vote: Chairman Barron- Absent; Felicia Finn- Yes; Rory Wells-Absent; Michele Zolezi- Yes; William Foor- Yes; James Teague- Yes; Timothy Poss-Absent; Frank Stavalo-Yes; Todd Luttmann-Yes

2. Application for Preliminary and Final Site Plan
Property Address: 1330 Hwy 70
Block: 113 Lot: 8
Applicant: Inspire-NJ, c/o Patricia Donaghue
Attorney: Michael York, Esq.
Engineer: Jessica Staszewski, PE, PP
Case #PB 2022-02

Mr. Harvey York, Esq. represents the Applicant, Inspire-NJ, c/o Patricia Donaghue. The Applicant is seeking to take the existing structure and convert it to a different use, which is much less intense and also permitted in the zone. The property is proposed to be used as a Food Pantry to deal with the issue of food insecurity in the country, state and county.

Mr. York introduced the engineer for the project.

Mr. Hock swore in Jessica Staszewski, PE, PP with FWH Associates. She is a licensed professional engineer and professional planner in the State of NJ and has appeared before several Boards in NJ.

The Board accepted Ms. Staszewski's credentials as an expert witness.

Exhibits entered:

- A1- Response letter from FWH, dated June 2, 2022.
- A-2 Colored site plan dated, March 24, 2022
- A-3 Arial dated June 2, 2022

Ms. Staszewski testified that the proposed location is on the eastbound side of Rt. 70, block 1.13, lot 8. There is one principle building existing, one shed and one parking lot. The Applicant has received zoning approval for a restaurant and ancillary food pantry. The Applicant is also proposing a deli. There will be no second story use.

Mr. York asked if there would be a display shed.

Ms. Staszewski testified that there is a 2066 SF patio of the side of the structure that is approximately 14 years old., a front patio, a 60 SF green house, and multiple vegetable gardens. The existing shed is to be replaced in kind and the applicant is proposing a 6 ft. chain link fence. 6,800 SF has been cleared in the rear for vegetable gardens for the food pantry. There will be three (3) sheds, which will be less than 200 SF, flag poles and trees.

Mr. York asked if the Applicant was seeking approval from Ocean County Soil District.

Ms. Staszewski confirmed that they Applicant already applied and was approved by the OCSD.

Mr. York asked Ms. Staszewski to talk about the proposed parking.

Ms. Staszewski testified that there are 39 original spaces that the applicant will be resurfacing and restriping.

Mr. York asked if the Applicant received a temporary CO and Ms. Staszewski confirmed that the applicant did. She also noted that if the Board approves it, the Applicant would like to move forward with the construction of a fence immediately. This is a variance free application and it complies completely. The use will be less intense and her professional opinion is that the use and application complies and that the minor site changes are not significant to the current site.

Ms. Finn asked if the Board had any questions for Mr. Staszewski.

Mr. Mullin asked whether the applicant would be resurfacing or seal coating the current parking lot and Ms. Staszewski confirmed that the applicant would be seal coating the parking lot.

Mr. Mullin also asked about the three display sheds on the property and Ms. Staszewski explained that the sheds belonged to an outside vendor and that the proceeds of any sheds sold from the display of the sheds on the lot would be donated to the Pantry. The sheds are for display purposes only and the sales transaction would take place at the vendor's location.

Mr. Mullin asked to confirm that the occupancy is going down and Ms. Staszewski confirmed.

Mr. Mullin asked if the Pinelands had issued a Certificate of Filing and Ms. Staszewski confirmed they had and they are in discussion about the existing septic.

Ms. Finn asked if there were any more Board questions. Hearing none, she asked to confirm that there would be a pantry, restaurant and ice cream shop and that all proceeds get donated to the pantry. Ms. Staszewski confirmed and added that the Applicant would also be training people with special needs as volunteers in the food pantry.

Ms. Finn wanted to confirm that the public can use the facility as well.

Patricia Donaghue on behalf of Inspire-NJ was sworn in.

Ms. Donaghue explained that the business model was a social enterprise model and is a long standing non-profit organization. All revenue raised goes back into the programming. 95 cents of a dollar goes back.

Ms. Zolezi asked if there would be a walk up deli.

Ms. Donaghue said that there would be windows all over but that the windows would not be used for serving.

Ms. Zolezi asked if the residents would be able to walk to the establishment.

Ms. Donaghue confirmed that people would be able to walk to the establishment because most of the patrons of the establishment would be within a 6-mile radius.

Ms. Zolezi asked if there would be gates on the fences and Ms. Donaghue said there would not be because they have been vandalized three times already and they want to make sure the

property is controlled and safe. Ms. Zolezi further asked if the residents of the senior community behind the property could walk there and Ms. Donaghue confirmed that they would be able to.

There were no more questions from the Board.

Ms. Finn opened the application to the public and there were no public comments.

Ms. Finn asked for a Motion to approve.

Ms. Zolezi made a Motion to approve.

Mr. Teague seconded that Motion.

Roll Call Vote: Chairman Barron- Absent; Felicia Finn- Yes; Rory Wells-Absent; Michele Zolezi- Yes; William Foor- Yes; James Teague- Yes; Timothy Poss-Absent; Frank Stavalo- Yes; Todd Luttmann- Yes

Mr. York closed the application by stating that food is desperately needed in this county and people do not really understand. He was working with a Presbyterian Church and witnessed people lined up for food. He thanked the Board for their time.

ADMINISTRATIVE SESSION:

Ms. Finn asked for a Motion to approve the Minutes from the May 2, 2022 regular meeting.

Mr. Teague made the Motion

Mr. Stavalo seconded that Motion.

Roll Call Vote: Chairman Barron- Absent; Felicia Finn- Yes; Rory Wells-Absent; Michele Zolezi-Abstain; William Foor- Yes; James Teague-Yes; Timothy Poss-Absent; Frank Stavalo- Yes; Todd Luttmann-Yes.

Mr. Foor read the report into Record:

We are in receipt of five invoices from Colliers Engineering and Design total of 11.75 hours and an amount of \$2,086.13. We are in receipt of six invoices from Mr. Hock, ESQ for 12.95 hours and an amount of \$1,860. The total of the invoices is \$3,946.13. The services are in support of:

Project No.	Project
MCP001	General Planning Board Service
MCP073	Paramount Commons at Whiting (three invoices)
MCP074	Preliminary and Final Site Plan for 2132 Route 37 (two invoices)
MCP076	Preliminary and Final Site Plan and Major Subdivision -2065 Highway 37 (two invoices)
MCP0084	Minor Subdivision – Ronald Raisin (two invoices)
MCP0087	Minor Site Plan – Inspire NJ
MCP0088	Minor Subdivision – PKN Development LLC
MCP0090	Presidential Gardens
	Stavola Redevelopment – Volante Rd Block 62 Lot 30

The services are in support Correspondence; Application and Litigation Review; Resolution Preparation and Compliance; Reforestation Bond Review; Draft Planning Board Answer and Affirmative Defenses; and Preparation for and Attendance at Planning Board and Team Meetings.

I find the charges to be reasonable and appropriate and recommend approval.

Ms. Finn asked for a Motion to pay the Bills.

Mr. Teague made the Motion to pay the Bills.

Mr. Luttmann seconded that Motion.

Roll Call Vote: Chairman Barron- Absent; Felicia Finn- Yes; Rory Wells-Absent; Michele Zolezi- Yes; William Foor- Yes; James Teague- Yes; Timothy Poss-Absent; Frank Stavalo- Yes; Todd Luttmann- Yes

PROFFESIONAL REPORTS:

Ms. Finn asked if there were any professional reports from the Board Engineer or the Board Engineer. There were none except that Mr. Hock had indicated he had some updates about pending litigation to discuss during the Executive Session.

Ms. Finn asked if there were any Professional Reports from any of the Board Members.

Ms. Zolezi made a general comment about the Council Member moving diligently toward moving Manchester forward and encouraged the public to attend the Council meetings so that their voices can be heard and they can also know what is going on in the Town.

ITEMS FOR DISCUSSION:

Review of Ordinance #22-15 Authorizing & Encouraging Electrical Vehicle Supply/Service Equipment (EVSE) & Make Ready Parking Spaces (Chapter 245)

Mr. Hock explained that the Ordinance amends the Land Use Law Chapter in the Township Ordinance so that is why it is coming before the Board for review. He also explained that it has to do with electric vehicle charging stations.

Mr. Mullin explained that the Governor signed into law last summer to have made ready stations and Manchester has been incorporating that into all reviews. This Ordinance now codifies that and the Township will now garnish Sustainable New Jersey points.

Mr. Foor asked to confirm that the verbiage from the Ordinance comes out of the State Statute.

Mr. Mullin confirmed that and added that the language from the statute was made Manchester Specific.

There were no public or Board comments.

Ms. Finn asked for a Motion to approve Ordinance 22-15.

Mr. Foor made a Motion to approve Ordinance 22-15.

Mr. Teague seconded that Motion.

Roll Call Vote: Chairman Barron- Absent; Felicia Finn- Yes; Rory Wells-Absent; Michele Zolezi- Yes; William Foor- Yes; James Teague- Yes; Timothy Poss-Absent; Frank Stavalo- Yes; Todd Luttmann- Yes

Mr. Finn made a comment that the review of Resolution #22-240 for determination of area in need of redevelopment: Volante Road (Block 62, Lots 30 & 31.01), PED-1 Pinelands Area Zoning District will be carried to the next meeting.

OPEN PUBLIC PORTION:

Ms. Finn opened up to the Public for Comment. There was none.

Mr. Hock explained that the Board was now going to enter an executive session that is closed to the public to discuss pending litigation. There will be no further business after the Board returns from Executive Session.

Ms. Finn asked for a motion in favor of the Resolution to Enter Executive Session.

Ms. Zolezi made a motion to Enter Executive Session.

Mr. Stavallo seconded that Motion.

ALL IN FAVOR. NONE OPPOSED.

ENTER EXECUTIVE SESSION

MOTION TO ADJOURN: by Michele Zolezi, seconded by James Teague.

ALL IN FAVOR
NONE OPPOSED

ADJOURNMENT: 6:50 P.M.

Respectfully submitted,



Amanda Kisty
Secretary to the Board