

MANCHESTER TOWNSHIP PLANNING BOARD REGULAR MEETING MINUTES  
MONDAY, AUGUST 15, 2022  
1 COLONIAL DRIVE, MANCHESTER, NEW JERSEY

The Regular Meeting of the Manchester Township Planning Board was called to order by Vice Chairperson Finn at 6:00 P.M. on MONDAY, AUGUST 15, 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	Present
Michele Zolezi	Councilwoman	Absent
Bill Foor	Member	Present
James Teague	Member	Present
Timothy Poss	Member	Present
Frank Stavalo	1st, Alternate	Absent
Todd Luttmann	2nd, Alternate	Absent
Gregory Hock	Board Attorney	Present
Robert Mullin	Board Engineer	Present

MEMORIALIZATIONS:

NONE

REDEVELOPMENT PRESENTATION:

1. Determination of Area in Need of Redevelopment: Preliminary Investigation Report; Volante Road & Secondary Access Rd (Block 62, Lots 30 & 31.01), PED-1 Zoning District

Prepared by: Malvika Apte, PP, AICP, CME Associates, July 28, 2022

Mr. Hock advised the Board that Robert Mullin, the Planning Board Engineer has a conflict and will be stepping down for this presentation.

Ms. Malvika Apte, PP, AICP, or CME Associates was sworn in.

Mr. Hock began to explain the process of the Determination of an Area in Need of Redevelopment and advised the Board that the Planning Board is acting as an investigative body in regards to the proposed Redevelopment Plan. The Board would recommend whether or not the property in question qualifies as an Area in Need of Redevelopment. The Board asked CME to do a study and report back on their findings which is the purpose of the presentation tonight.

Ms. Apte explained that the purpose of her study was to determine whether the property meets the criteria of a Non-Condensation Area in Need of Redevelopment. This matter went before the Town Council on May 24, 2022

Local Redevelopment and Housing Law provides a Town with a multi-step process to make such a determination. The determination that a property qualifies as "Non-Condensation" provides that eminent domain does not apply.

She continued that the property in question is approximately 225 acres, with approximately 165 acres on a larger lot and approximately 60 acres on the smaller lot. The property does not have access to a public road and relies on a Deed of Easement for Access and Right-of-Way to Fremont Ave which is a private secondary access road. Both lots are in the PED-1 Zone and were part of a settlement agreement for low density residential housing. This property is also part of a receiving district.

The larger lot was used for sand and gravel mining and the smaller lot, which has no road access has remained mostly vacant and wooded in nature. CME researched all violations and town records and found that the larger lot was the subject of many police calls about ATV usage. The uses of the surrounding properties include and adult community, residential dwellings and small commercial uses.

Ms. Apte said that after review of the Master Plan, the Township was looking to maintain a balance of residential, commercial and industrial properties. This property is located in a regional growth area of the Pinelands Comprehensive Management Plan.

As far as the determination of an Area in Need of Redevelopment, Ms. Apte explained that there are eight criteria used to determine eligibility. The property only needs to meet one of the criteria to qualify. Section 3 of the study performed by CME sets forth the criteria in accordance with N.J.S.A. 40A:12A-5, and Ms. Apte generalized the criteria as such:

- a. If the buildings on the property are unsafe;
- b. If there are vacant commercial buildings on the property;
- c. Vacant land that has remained unimproved for a period of 10 years prior to the adoption of the resolution, and due to the property remoteness and lack of means of access it is unlikely that it would be developed;
- d. Issues with site layout affecting or causing dilapidation, overcrowding, faulty arrangement, etc.
- e. Issues with title or diverse ownership;
- f. In excess of 5 acres destroyed by fire;
- g. Designation as an Urban Enterprise zone; and
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Ms. Apte testified that they looked at each lot as they stand for the purposes of the determination. The smaller lot 30 displays remoteness because it has remained vacant with no frontage. This would meet criteria “c”. The larger lot has an access road that cuts through the property, but it is not public. It also contains areas of wetlands and environmental concerns. The property has no development permits and development activity despite being located in a developable area of the Pinelands. The only overall complaint that this property receives is frequent ATV calls to the police station. Because of the factors set forth, CME believes that this property also meets the “c” criteria for determination of a non-condemnation area in need of redevelopment. Both lots meet criteria “c”.

Mr. Hock asked if the Board if they had any questions.

Mr. Foor asked about the Settlement Agreement and if there was anything the Board should be aware of. Ms. Apte assured him that there was not and that the property was re-zoned in 2010 to be developed. Mr. Foor then asserted that there were 35 COAH units depended on to meet Mt. Laurel requirements and asked if this will be met. Ms. Apte said this would not affect the Towns ability to meet Mt. Laurel requirements.

Ms. Finn asked if there were any other Board members with questions.

Mr. Wells stated that there was no testimony about any proposed projects and Ms. Apte said there were not any proposed projects and yet and they were still in the process of the Determination of Area in Need of Redevelopment.

Mr. Wells thought that would have been good to know, but that he understands. He wanted to put on record that he is guarded about over development and knows that there are a lot of projects in the pipeline. He said he would never prejudice an application but would be in favor of commercial projects for this property over residential. He said that he intends to vote in the affirmative relying on criteria “c” even though it is a close call but that he “wouldn’t lose sleep over it.” He said that there was also language in criteria “e” that helped him. He stated that he is a neighbor in Holly Oaks and that he never wanted there to be a surprise in how he votes.

Mr. Finn asked if there were any more questions from the Board and there were none.

Mr. Hock opened to the public for questions.

Scott Ferrara of 3390 Hwy 571 asked if there were plans to use Volante Rd.

Mr. Hock interjected that Mr. Ferrara's question was a little preliminary and they were not there yet.

Mr. Ferrara understood and Mr. Hock instructed him to keep up with the governing body.

Ms. Finn asked if there were any public questions and there were none. The public portion was closed.

Mr. Hock called for a vote.

Ms. Finn asked for a Motion.

Mr. Poss made the Motion to approve the Determination of a Non-Condensation Area in Need of Redevelopment at the subject property.

Mr. Wells seconded that Motion.

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

APPLICATIONS:

1. Minor Subdivision  
Property Address: 1809 Eighth Ave  
Block: 1.165 Lots: 39 & 15  
Applicant: Sue Erikson  
Engineer: Matthew Wilder, PE, PP  
Attorney: Michael Paxton, Esq  
Case #PB-2022-08  
This matter was carried to the October 3, 2022 meeting with new notice required.

2. Amended Final Site Plan  
Property Address: 2035 Hwy 37  
Block:44 Lot: 15.05  
Applicant: Manchester Apartments, LLC  
Engineer: FWH Associates  
Attorney: Jason R. Tuvel, Esq.  
Case #: PB-2022-10

Mr. Hock announced that Mr. Mullin is back to opine on this application.

Mr. Nicholas Dickerson, PE, PP, also and associated of Colliers Engineering, was also introduced as the Board Planner.

Mr. Tuvel, Esq, attorney for the applicant, introduced the application as an Amended Site Plan Application that was part of a Redevelopment Plan and was divided into multiple phases. There are 210 units of residential apartments, a gas station and a commercial element. The applicant is only here for the residential phase tonight. The amendment to the plans is very narrow and just to the exterior. There are no bulk variances or use variances proposed. The changes are to the elevations and the interior of the units. He has reviewed Mr. Mullins review letter dated August 12, 2022 and has no issues with it for the most part.

The applicant will have two witnesses.

First witness sworn in by Mr. Hock: Brian Murphy, PE, PP, licensed in NJ and the Board accepted his qualifications.

Mr. Murphy explained that there are no real changes to the site. The parking, access to the site, site elements, all footprints except for the clubhouse, and impervious surface coverage will remain the same.

Mr. Murphy began to review Mr. Mullin's letter. He said the parking is the same. The EV stations will be ready and it will be easy to expand EV access on the site. The applicant has no issues with any of the comments from Mr. Mullin. The lighting complies with dark skies and reducing impact of the street lights. There will be no change to the phasing. There would be a change to the signage on the front of the building referred to on page 5 of the Architectural drawings. The proposed signage would require a design waiver for placement position on the building. Mr. Mullin explained that Building numbers are considered signs not addresses and said they would defer to the architect on this issue.

Ms. Finn asked if there were any questions from the public and there were none.

Mr. Nicholas Dickerson, PP, PP, Planner for the Board asked whether the Community Identification signage had changed and Mr. Murphy confirmed that the Community Identification signage would not be changed and will comply with previous approvals and Township ordinance.

Ms. Finn asked if there were more Board member questions.

Mr. Wells asked if there would be changes in lighting and Mr. Murphy said there were not and that the lighting would remain in compliance.

Mr. Teague asked if the community would be age restricted and whether the units were for sale or for rent and Mr. Murphy confirmed that it was age restricted and the units were only for rent.

Ms. Finn asked if there were more Board questions and there were none.

Mr. Tuvel, Esq. commented that the Applicant felt that the new design was in keeping with more modern designs.

Brian Flannery, Licensed Architect of Jackson NJ was sworn in and the Board accepted his credentials.

Mr. Flannery testified that the changes were predominately to the exterior and the work was done by Tom Brennan out of Texas. The changes made will be more expensive but more consistent with the current market conditions.

Introduced Exhibit A-1-5 Sheets- Photos of similar development

Mr. Flannery explained that one of the changes to the inside of the units was that instead of 1 bathroom in the 2 bedroom units, there would now be two bathrooms. This was to make the community more suitable to young couples and older couples with no children. It would be a more modern design with low maintenance finishes, with materials that are durable and flexible and do not rot. They would be good forever. The other change to the interior is that the Applicant added lofts, but they are not intended to become bedrooms. There would be very limited window and closets and the Applicant is willing to add restrictions. It is intended to be like an office, game room, etc. There will be 21 buildings with 10 apartments in each. The changes are to promote harmonious patterns in response to Mr. Mullin's review letter. There will be 10 buildings with 6 different types of unit structures and Mr. Flannery proceeded to explain the layouts of each unit in each building. The design provides separation in unit for anticipated renters.

Mr. Flannery addressed item number 5 in Mr. Mullin's letter, which asks about why the plans show two rear elevations. Mr. Flannery explained that the larger one is where the public will see and the smaller is where it is tree lined.

Mr. Flannery asserted that the Applicant is willing to deed restrict the loft to insure that it is not utilized as a bedroom.

Mr. Flannery was asked if the proposed building signage was proportional to buildings and he said that in his opinion it was, but if the Board would like to see the signage decreased to 20 square ft., it would work and they would be happy to accommodate the Board's opinion.

The developer has planned to have all the garages EV ready and the developer also does not want garage conversions and is willing to deed restrict that as well. He said that the project is being run by a responsible developer.

Testimony was ended and the Board was asked if they have any questions.

Mr. Teague asked about the configuration of the Buildings and Mr. Flannery confirmed that there were the same number of units as originally proposed with the same number of bedrooms and the same square footage. There are 10 units in each building, 6 units in the middle with two on each floor, and four on the ends of the building. The units on the end will have garages and lofts and the units in the middle will utilize the community parking.

Mr. Finn asked if the buildings were locked and Mr. Flannery confirmed. She also asserted that she had no problem with the large building numbers, but asked what was behind the back building without brick. Mr. Flannery said that it would be lined by preserved trees that would never come down.

Mr. Wells asked what type of renters and whether there was a target demographic. Mr. Flannery replied that the community was intended for families. Mr. Wells asked if there was a ballpark estimate on the price and Mr. Tuvel said that they are not responsible to give that information. Mr. Wells asked if it was more for families. Mr. Flannery explained that it was targeted towards single or professional couples working from home resulting in less traffic.

Mr. Wells said that he has a problem with the appearance. He does want Manchester to look different than Brick, etc. He wants it to look "Piney." The plans look more industrial and the changes are more cosmetic and he wants to know if the motive was for cost savings.

Mr. Tuvel replied that the builders want to compete with a lot of the development coming down the line in the Township.

Mr. Wells responded that he liked the old project and appearance much better. He asked if they can keep the old cosmetic appeal but accept the loft and bathroom changes.

Mr. Flannery said that it probably could be done but that he would have to have a meeting to discuss the options with the changers to the finishes.

Mr. Wells said that it helps that the Applicant is willing to soften the look.

Mr. Foor said that one of the benefits before was the appearance of the building and now this looks more industrial.

Mr. Tuvel said that he respected the opinions of the Board and is willing to work with the Board professionals to soften it a little, but where does it end.

Mr. Teague asked to confirm that there would be no elevators and Mr. Flannery confirmed that there would not be. He also asked whether the lofts would be shared and Mr. Flannery said that they would not be.

Mr. Poss was concerned with the additional bathroom because that would encourage more occupants and Ms. Finn wanted to know if there were occupancy limits per unit. Mr. Flannery answered that there probably would be occupancy limits per unit. Mr. Wells commented that people are always going to try to fit more people in a unit than they are supposed to, but that he does like the idea of Deed Restrictions. Mr. Tuvel added that they could also impose lease covenants.

Mr. Hock asserted that there should be occupancy limits listed in the Certificates of Occupancy for the units.

Mr. Mullin: Asked if Mr. Flannery prepared the architectural plans and he testified that he did not. He has reviewed them and issued testimony based on this review.

Mr. Mullin pointed out that since there are only 21 structures, there should be no need for three large numbers on the buildings.

Ms. Finn asked if there were any questions from the public and there were none.

Mr. Tuvel said that he wanted to clarify the Board's intentions when they requested that the applicant work with professionals on a "subcommittee" on architectural.

Mr. Wells explained that since the Applicant's professionals testified that they would be softening the Architectural drawings, there would be no need for a committee.

Mr. Hock asked to clarify whether the Applicant would be changing roof lines or materials or both.

Mr. Wells explained his interpretation of the proposed changes. He said the images he was shown have shrubbery and the building is changing. The coloring, the size of the numbering and the shrubbery and trees are the proposed changes. He is not advocating for material changes, just minor cosmetic changes.

Mr. Hock reminded the applicant that any changes will be subject to possible modifications in the developer's agreement.

Mr. Foor wanted to know what is driving the proposed changes other than the two bathrooms.

Ms. Finn wanted to know the previous square footage of the loft.

Mr. Flannery testified that previously only one of the units had a loft in each building. The two end units currently now both have lofts. They are proposing that there are four units now with lofts, two on each end.

Mr. Dickerson: Asked about the rear and side elevations and how they meet the ordinance requirements.

Mr. Flannery asserted that they do meet the ordinance requirements and he will review the old plans and come up with a way to soften those elevations as well.

Ms. Finn asked if there were any more questions.

Mr. Foor asked if the total square footage of the units were remaining the same after the addition of the second bathroom and where the additional square footage was coming from if they were to remain the same. Mr. Flannery responded that they would be taking a little bit of square footage out of each room to accommodate the second bathroom addition.

Mr. Mullin asked if the aerial concept was submitted. Mr. Flannery responded that it was and it was marked A-2.

Ms. Finn asked for a Motion.

Mr. Poss made a Motion to deny.

Mr. Foor seconded that Motion.

Roll Call Vote: Chairman Barron- Absent; Felicia Finn- No; Rory Wells-No; Michele Zolezi-Absent; William Foor- Yes; James Teague-No; Timothy Poss-Yes; Frank Stavallo-Absent; Todd Luttmann-Absent.

Motion to Deny failed.

Mr. Hock asked for a motion to approve with conditions.

Mr. Wells made a Motion to approve with conditions.

Mr. Teague seconded that Motion.

Ms. Finn asked to talk about the conditions.

Mr. Hock went through the following conditions:

1. To meet the new EV charging station requirements;
2. 84 garages will be EV ready;
3. 8 installed EV charging stations;
4. Designate which rear elevation is preferable to the Board;
5. The location of the building signage requires a variance regardless of the size of the numbers;
6. Reduce the size of the numbers, possible a two-digit number instead of three digit numbers;
7. Comply with all other items in Mr. Mullin's review letter;
8. The criteria that Mr. Wells set forth to soften the aesthetics would be applied around all 4 facades and the clubhouse;
9. Deed restrictions and lease covenants to restrict garage conversions and loft conversions.

Roll Call Vote: Chairman Barron- Absent; Felicia Finn- Yes; Rory Wells-Yes; Michele Zolezi-Absent; William Foor- Yes; James Teague-Yes; Timothy Poss-No; Frank Stavallo-Absent; Todd Lutttman-Absent.

Mr. Doyle: Asked if his client, the contract purchaser of his application tonight, could have the resolution memorialized tonight.

Mr. Hock explained to the Board what that means and the reason why an applicant might want to do that.

Ms. Finn asked for a Motion to memorialize the Resolution for the Area in Need of Redevelopment.

Mr. Wells made a Motion to approve.

Mr. Teague seconded that Motion.

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

ADMINISTRATIVE SESSION:

Mr. Foor read the Bill report into Record:

We are in receipt of twelve invoices from Collier Engineering and Design total of 47.61 hours and an amount of \$8,714.82. We no invoices from Mr. Hock, ESQ this month. The total of the invoices is \$8,714.82. The services are in support of:

Project No.	Project
MCP001	General Planning Board Service
MCP073	Paramount Commons at Whiting (two invoices)
MCP076	Preliminary and Final Site Plan and Major Subdivision -2065 Highway 37
MCP0085	Minor Subdivision – Nicolas Ortense
MCP0087	Minor Site Plan – Inspire NJ (two Invoices)
MCP0088	Minor Subdivision – PKN Development LLC)
MCP0090	Presidential Gardens)
MCP0091	Preliminary/Final Site Plan – 605 Toms River Road
MCP0093	Concept Plan Review – 2582 Ridgeway Manchester LLC
MCP0094	Minor Subdivision – Sue Erikson

The services are in support Correspondence; Application, Concept Plan and Bond Review; Resolution Compliance; and Preparation for and Attendance at Planning Board Meetings.

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

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

Mr. Wells made the Motion

Mr. Poss seconded that Motion.

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

Ms. Finn asked for a Motion to approve the Minutes from the July 5, 2022 regular meeting.

Mr. Wells made the Motion

Mr. Poss seconded that Motion.

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

PROFESSIONAL REPORTS:

None

ITEMS FOR DISCUSSION:

None

OPEN PUBLIC PORTION:

None

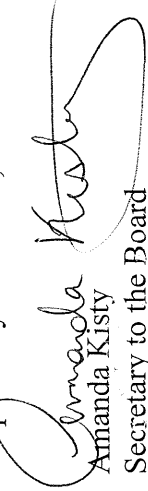
MOTION TO ADJOURN: by Rory Wells, seconded by James Teague.

ALL IN FAVOR

NONE OPPOSED

ADJOURNMENT: 7:26 P.M.

Respectfully submitted,

  
Amanda Kisty  
Secretary to the Board