

MANCHESTER TOWNSHIP PLANNING BOARD REGULAR MEETING MINUTES
MONDAY, OCTOBER 3, 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, OCTOBER 3, 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	Present
Felicia Finn	Vice Chairperson	Present
Rory Wells	Mayor's Designee	Present
Michele Zolezi	Councilwoman	Present
Bill Foor	Member	Absent
James Teague	Member	Present
Timothy Poss	Member	Present
Frank Stavalo	1st, Alternate	Present
Todd Luttmann	2nd. Alternate	Present
Gregory Hock	Board Attorney	Present
Robert Mullin	Board Engineer	Present

MEMORIALIZATIONS:

NONE

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

Mr. Paxton introduced Mr. Wilder as the Engineer for the Applicant.

Mr. Hock swore in Mr. Wilder.

Mr. Wilder gave his credentials as an Engineer Division Manager for Morgan Engineering. He has been before over 45 municipalities and has submitted over 140 applications. He is a licensed Engineer and Planner in the State of NJ. The Board accepted his credentials as an expert witness.

Exhibit A-1 was entered as an aerial of the subject property.
Exhibit A-2 was entered as a photo exhibit

Mr. Wilder requested waivers from the requirement to provide a metes and bounds description, soil logs and permeability tests (will put on the plans as a condition of approval), and utility service information (will do as a condition of approval).

Mr. Barron asked for a Motion to grant the waivers. Michele Zolezi made that Motion and James Teague seconded that Motion.

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

Mr. Mullin clarified, that as far as utilities go, this property will be septic and not public sewer as there is none available in that area.

Mr. Wilder described the property as being in the R-10 zone. Lot 39 has an existing dwelling and pool and the Lot 15 is a vacant undersized lot. He explained that the intent of the subdivision is to shift the lot lines to make lot 15 fully conforming.

A-2 displays the elevations of the property fronting on 9th Avenue showing that the grading goes up significantly.

Mr. Wilder went on to testify that, generally speaking, he and the Applicant have no issue with Mr. Mullin's review letter. He explained items 1.3 & 1.4 on page two were existing non-conformities, which include an existing side yard setback to the dwelling on Lot 39 of 9.8 ft. where 10 ft. is required and a rear yard setback of 24 ft. where 26 ft. is required. Neither of these non-conformities were created by this application and will not be exacerbated by the subdivision.

Item number 1.5 confirms that the Applicant is requesting a variance for the finished floor elevation of the proposed dwelling on Lot 15.01. The Applicant is proposing a finished floor elevation is 105.5 ft. which is 6.55 ft. above the average road centerline elevation where 48" is permitted.

Mr. Wilder testified that, in reference to item 2.2 of Mr. Mullin's letter, the Applicant is fine with removing the existing shed on the property. As far as item 2.3, the chain link fence is 4 ft. in height and complies with Town ordinance. Finally, item 2.7 requests that the applicant comply with the Township tree ordinances and the Applicant has no issue doing so. There were no other issues with the letter.

Mr. Wilder began providing the C-1 criteria to show that the applicant would endure undue hardship should the requested variances not be granted. He asserted that the in order to lower the grade they would have to install a barrier retaining wall, remove a lot of dirt and that would leave them essentially in a hole with no way to efficiently drain. The grading and shape of the lot is unique and is the cause of the necessity for the variances.

Mr. Wilder also testified that the lots they are creating are fully conforming and more consistent with the Master Plan and zoning ordinance.

He then asked the Board if they have any questions.

Mr. Mullin asked what the elevation was for the house to the left of the proposed dwelling.

Mr. Wilder said that he was not sure, but approximately 5.5 ft.

Mr. Mullin asked to confirm that the property to the right of the proposed dwelling is the property owner's pool and Mr. Wilder confirmed. He said that the grade change occurs in the gap of the tree line. Mr. Mullin then asked about the storm water runoff and Mr. Wilder said that everything would be draining to 9th Avenue and that they would be creating swales to bring everything onto 9th Avenue.

Mr. Mullin asked if the proposed draining around the property line would require an easement and Mr. Wilder told him it would and the Applicant would be giving themselves that required easement.

Mr. Mullin asked to confirm that the Applicant will comply with storm water requirements and septic and Mr. Wilder confirmed they would.

Mr. Mullin had no further questions.

Mr. Barron asked if there were more questions from the Board.

Mr. Wells asked whether the proposed project would come before the Board again when they were moving forward with building the proposed dwelling on the new lot.

Mr. Wilder explained that this proposed project would not have to come before the Board again prior to building a dwelling on the new lot because the Applicant provided a more engineered site plan to avoid bifurcation. The variances would already be granted and the developer would work within the approvals.

Mr. Mullin clarified that if the developer intended to alter the plans in such a way that required an additional variance then they would have to come back before the Board.

Mr. Barron asked if the Board had more questions. There were none.

Mr. Barron asked if the public had any questions and there were none.

Mr. Barron asked for comments from the Board and then the public and there were no further comments.

Mr. Hock went through the conditions of approval as follows:

The applicant must comply with the requirements set forth in Mr. Mullin's review letter, a variance would be granted for the change in grade, permission would be granted to maintain the existing non-conformities, submission waivers will be a condition of approval, a waiver for the requirement to install curbs and sidewalks, the Applicant will remove the sheds, and the Applicant confirms that the fence is conforming.

Mr. Barron asked for a Motion to approve the application with the conditions listed by Mr. Hock. Rory Wells made that Motion and Michele Zolezi seconded that Motion.

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

Mr. Poss Left the meeting.

2. Minor Site Plan Application
Property Address: 959 Buckingham Drive
Block: 38.102 Lot: 11.01
Applicant: Leisure Village West
Attorney: David Merritt, Esq.
Case #PB-2022-09

Mr. Hock swore in Mr. James Snyder, Community Manager for Leisure Village West.

Mr. Merritt, attorney for the Applicant, explained that the purpose of the applications was to install a digital sign in front of Willow Hall.

Exhibit A-1 was introduced as a packet of seven photos of the proposed sign and location.

Mr. Snyder explained that the Applicant would be installing a stationary message sign that would be slow moving and the Applicant would leave the timing up to the Board's discretion. They will only be putting the sign on a six (6) inch platform instead of three (3) feet. There is an option to turn off the sign at night because the traffic in the community is significantly less after 9:00 p.m. The sign would be utilized for event messaging and public service announcements. There would be absolutely no advertising at all.

The variances being requested are from Section 245-27E- flashing and blinking signs, the size of the sign and the setback of the sign where the ordinance requires it to be 35 ft. from the property lines of the island on which it is proposed.

Mr. Snyder testified that there would be no visual obstruction, which is demonstrated by picture 7 in Exhibit A-1.

Mr. Merritt asked Mr. Snyder to explain when and where all the pictures in Exhibit A-1 were taken.

Mr. Snyder said that picture 1 was going south leaving Rt. 70. Picture 2 is the same as picture one, just a little closed. Picture 3 is going northbound towards Rt. 70. Picture 4 is a duplicate of picture 1. Picture 5 is going towards Rt. 70. Picture 6 is the same as picture 5, just a little closer. Picture 7 is leaving the entrance at Willow Hall.

Mr. Merritt testified that the tree in front of where the proposed sign is going will be removed.

Mr. Mullin asked if the sign was going on a concrete slab and Mr. Snyder said it was not because it was not needed.

Mr. Mullin asked if the electrical would run under the road and Mr. Snyder said that it would in the proper box.

Mr. Hock asked to confirm that the sign is not near a house and Mr. Snyder confirmed.

Mr. Hock then asked to confirm the following:

The physical location required a variance;

Technical setback variance required

Not an animated or moving sign so no variance is required

The sign would not be flashing or intermittent (there would be 30 seconds in between messages at a minimum)

The sign can be turned off at night and probably will save energy

Mr. Merritt referred to picture 1 which shows a heavily wooded area in between the sign and the nearest residences.

Ms. Finn asked if there was any other lighting.

Mr. Snyder responded that it is well lit with street lights without the sign.

Mr. Wells commented that he is likely to support this project even though he is typically against digital and LED lighting. He appreciates the sign being lowered and the decreasing the message. He never pre-judges any project and all projects are judged on its' own unique circumstances.

There were no more Board questions.

Mr. Merritt asserted that the sign is on a private road, not available to the public. It was proposed by the association Board members which are elected by members of the community.

Questioning opened to the public.

David Kestner of 64A Buckingham was sworn in. He said that when he reviewed the application at Town Hall the new pictures were not there. His main objections are regarding traffic safety for the golfers going back and forth through the through way in front of the proposed sign and that there are 2,600 residents that are elderly and he doesn't think any more distractions are a good idea. He also asked if the tree being removed would be replaced somewhere else.

Mr. Snyder replied that there are lined crosswalk available for pedestrian crossing with pedestrian crossing signs and the area in question is not a crosswalk. He also testified that the community is constantly replacing trees in the community.

Mr. Kestner asked how many people are actually going to use the crosswalk and Mr. Snyder said that he is not opposed to putting in a second crosswalk. Mr. Kestner responded that he would like to see a caution to pedestrian sign installed.

Mr. Merritt asserted that the Applicant is going to be removing the tree and the residents shouldn't be crossing there.

Mr. Kestner informed the Board that the Applicant increased traffic from the Rt. 70 entrance of the community by shutting down security at the Rt. 37 entrance forcing all those going through security to utilize the Rt. 70 entrance.

Mr. Barron asked if there were any other members of the public with questions.

Janet Ritter of 72C Cambridge Circle was sworn in. Her major concern with the proposed project is that a person turning to go to the golf course might stop to look at the sign and become distracted and hold up traffic. She is also concerned that the aesthetics of the sign is not in keeping with the neighborhood and the classiness of the community.

Laura Peterson of 17D Yorkshire Ct. was sworn in. She thanked Mr. Snyder for the clarification and asserted that it helped a lot. She said that she was not within 200 ft. of the proposed sign so she did not receive a Notice in the mail. She came to object to the application because of the potential distraction and risk of motor vehicle accidents. She is worried that the resident's brains will be focused on the messages on the sign instead of the road. She said it will cause a back up to Rt. 70 and cause a hazard.

Bella Gilbert of 4A Edinburgh was sworn in. She asserted that accidents have already happened in that area. She asked, do we want to put a modern electronic sign in a neighborhood that looks like it did in the 1970s. She said there are many other forms of communication available to the residents and asked if this was ever brought before the Board.

Mr. Snyder said it was not.

Diane Dubshinski of 34B Buckingham Dr. was sworn in and asked if the assessment for taxes was going to change. Mr. Merritt responded that he did not see it contributing to the value of the individual homes so it would have a negligible effect. She then asked if it would affect the homeowner's association insurance and Mr. Merritt told her that she should has the Board of the Homeowner's Association.

Ms. Dubshinski asked how much electricity the sign requires and Mr. Snyder said that it is not much. She then asked if the sign had a light shade to avoid light pollution and Mr. Snyder said that it did not. She asked if the sign would be affected by snow plowing and Mr. Snyder said it would not.

Ms. Dubshinski said that there are a lot of residents that are concerns and Mr. Snyder said that he only received 3 complaints via email and two phone calls.

Ms. Dubshinski wanted to know which tree was being removed and said that there were a lot of complaints on the Facebook. Mr. Snyder told her the one in front of the sign. She wanted to know if it was a myrtle tree and Mr. Snyder said there are no myrtle trees on the island. He also said that the Association does not monitor Facebook and advised her if she has concerns to call. Finally, Mr. Snyder clarified that the sign would be two sided, not one sided.

Beth Slatnick of 44A Heather was sworn in and testified that she is aware that the sign is from the bank and she thinks it will be an eye sore. She thinks that it is inconsiderate and that he property can go down in value. She also said that it is unsafe and a waste of money because there are so many other ways to advertise. She said that she is sure that even though they did not pay for the sign she is sure it is not free and cost nothing. Finally, she is afraid that the sign could cause accidents and not putting up the sign could save lives.

The public portion is closed.

Mr. Snyder said that there will not be any blinking lights. He said that the speed limit is 25 mph and there are approximately 4,000 residents. The associations prides itself on communication and the sign was authorized by the Board of Trustees.

Mr. Teague wanted to know if this sign proposal went before the community and Mr. Snyder confirmed that it was brought up at the Board and Committee meetings months ago.

Mr. Teague reiterated that the only people who consented was Board. Mr. Snyder confirmed that and said that the Board meetings are open and broadcasted on the televisions in the community.

Mr. Teague asked if they got a feel from the community on it and Mr. Merritt said that the Board meets in open session and members are voted for by the residents in accordance with the Condo Act.

Mr. Teague stated that they did not get feedback from the community.

Janet Ritter said the only reason she knew about the application was on the Planning Board Agenda was because of Facebook. Bella Gilbert said that she was in the same situation as Janet and she said that she had not seen one positive remark on Facebook.

Laure Peterson said that most Board meetings are at 1:00 p.m. while she is at work and she has no opportunity to voice her opinion.

Mr. Kestner confirmed that it was brought up at a Board meeting but does not remember if the location of the proposed sign was mentioned.

Mr. Snyder said that the location of the sign was discussed.

Beth Slatnick said that she heard about the proposed sign a week ago, but not before that.

Mr. Wells asked how many members are on the Board and Mr. Snyder said that there are 7 Board member positions, only 6 of which are filled at the moment.

Mr. Wells asked how many residents there are and Mr. Snyder said there are 2,692 homes with approximately 4,000 residents.

Mr. Wells said that maybe they should carry this matter to the next meeting for more input from the residents. He feels that the aesthetics is up to the community and he understands the safety concerns but there are many Digital LED signs, many of which could have been passed on the way to the meeting tonight.

Mr. Barron asked if there were any more questions from the Board.

Ms. Finn asked if there were any other locations proposed when the location was discussed and Mr. Snyder said there was another location discussed that was closer to Willow Hall. Ms. Finn asked if they could put it there, but then finished by stating that it might still be a safety issue.

Ms. Zolezi explained that it is our job to decide that the application meets the Zoning Ordinance and requirements and that her personal opinion is to go ahead and vote on the matter tonight.

Mr. Luttman said that the sign needs to get turned off every night. He understands the information and safety aspect, but 30 seconds is a long time between messages and won't be distracting compared to other signs.

Mr. Barron asked if there were any more comments. There were none.

Mr. Hock confirmed the conditions of approval as follows:

- The sign must shut off by 9:00 p.m.;
- It will be a static image no less than 30 second intervals;
- The maximum height of the sign should be 50 inches;
- The two location variances are granted;
- No flashing;
- No blinking;
- No animation or movements;
- No obstruction of sight triangle;
- The tree in front of the sign will be removed in accordance with Town Ordinance.

Mr. Barron asked for a Motion to approve the application with the conditions listed by Mr. Hock. Michele Zolezi made that Motion and Todd Luttman seconded that Motion.

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

Mr. Merritt thanked the residents for coming out.

Mr. Barron announced that Item #3 on the agenda, the Minor Subdivision on Wellington Avenue, will be carried to the November meeting with notice required.

ADMINISTRATIVE SESSION:

Ms. Zolezi read the billing report prepared by Mr. Foor:

We are in receipt of ten invoices from Collier Engineering and Design for a total of 59 hours and an amount of \$10283.79. We have no invoices from Mr. Hock. The services are in support of:

Project No.	Project
MCP0073	Paramount Commons at Whiting (two invoices)
MCP0076	Preliminary and Final Site Plan and Major Subdivision -2065 Highway 37
MCP0088	Minor Subdivision – PKN Development LLC
MCP0089	Minor Site Plan – Inspire NJ
MCP0094	Minor Subdivision – Sue Erikson
MCP0095	Minor Subdivision – Leisure Village West Association
MCP0096	Amended Final Site Plan – Manchester Apartments, LLC
MCM0097	Amended Preliminary/Final Site Plan – Self Storage Facility (Marble Arch Homes, INC)
MCP0098	Minor Subdivision – Jeffrey Jerman

The services are in support Correspondence, Application Review Resolution Compliance; Redevelopment Plan Review and Project Initiation.

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

Mr. Barron asked for a Motion to pay the Bills.

Ms. Finn made the Motion

Ms. Zolezi seconded that Motion.

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

Review of the Minutes for August 15, 2022 and September 6, 2022 are carried to the November meeting.

PROFESSIONAL REPORTS:

None

ITEMS FOR DISCUSSION:

None

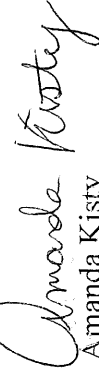
OPEN PUBLIC PORTION:

None

MOTION TO ADJOURN: by Felicia Finn, seconded by Frank Stavallo.
ALL IN FAVOR
NONE OPPOSED

ADJOURNMENT: 7:22 P.M.

Respectfully submitted,



Amanda Kisty
Secretary to the Board