

MANCHESTER TOWNSHIP PLANNING BOARD REGULAR MEETING MINUTES  
MONDAY, JUNE 5, 2023  
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 5, 2023.

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
Timothy Umlauf	Mayor's Designee	Present
James Vaccaro	Council Liaison	Present
James Teague	Member	Present
Timothy Poss	Member	Absent
Sandra Drake	Class II Member	Present
Wayne Mascola	1 <sup>st</sup> Alternate	Present
William Foor	2 <sup>nd</sup> Alternate	Present
Joseph Coronato, Jr., Esq.	Board Attorney	Present
Frank Sadeghi, PE, PP	Brd. Eng.	Absent
Robert Mullin, PE, PP	Conflict Brd. Eng.	Present
Nicholas Dickerson, PP	Conflict Board PP	Present

MEMORIALIZATIONS:

1. Memorialization of a Resolution approving Case #PB-2023-04 for Minor Subdivision at property address: 1601 Oakdale Street, Block: 1.311, Lot: 22 for applicant: Cedar Creek Land & Homes, LLC (Jeffrey R. Jerman), Engineer: William A. Stevens, PE, PP

Mr. Barron requested a Motion to approve the Resolution for approval of Case #PB-2023-04 for Minor Subdivision at property address: 1601 Oakdale Street, Block: 1.311, Lot: 22 Ms. Finn made that Motion, and Mr. Umlauf seconded that Motion.

Roll call vote:

Mr. Barron-yes, Ms. Finn- yes

Messrs. Mr. Umlauf—yes, Mr. Vaccaro—yes, Mr. Teague—yes, Ms. Drake—yes, Mr. Poss—absent

Motion carries.

COMPLETENESS REVIEW:

1. Moved to be heard first out of courtesy to attorney present.  
Amended Preliminary and Final Site Plan  
Property Address: 2065 Hwy 37  
Block: 44, Lot: 15.04  
Applicant: Marble Arch Homes, Inc.  
Attorney: Jason Tuvel, Esq.  
Engineer: FWH Associates  
Case #PB-2022-11, To be carried to the July 6, 2023 Meeting

Joseph Coronato, Esq. explained that he looked at the amended application and that everyone should have it in their packets. The Applicant is currently before the Board for a Completeness determination. In accordance with Mr. Coronato's review, the applicant has not achieved Amended Approval from the Redevelopment Committee. If this application is approved by the Planning Board and the Council doesn't approve of the

amended application, the Council could sue the Planning Board. It is his legal opinion that the Planning Board should deem the application incomplete until they go before the Council.

Mr. Jason Tuvel, Esq., the attorney for the Applicant, was introduced and sworn in. He said that he spoke with Mr. Coronato prior to the meeting and disagrees with his position. Mr. Tuvel explained that Harvey Karen has put years of effort into the redevelopment of the property. This is a fully conforming application for a self-storage facility. The applicant received Preliminary and Final approval of the Major Subdivision and Phase I residential component in 2021 and Preliminary Approval for Phase II and Phase III of the project. The Applicant is now coming before the Board for site plan approval of Phase III, which is the Commercial phase of the project. The application was submitted in August of 2022. There was one (1) waiver requested in the initial submission for the Environmental Impact Statement. The application met all other requirements to be deemed complete and, in his opinion, the Council approval is a separate issue. He believes it is simply an outside agency approval and it would be of no loss to the Board to deem the application complete. The applicant went above and beyond, submitted everything on the checklist and has been working at this application for over a year. The applicant withdrew their request for sign variances and Mr. Tuvel feels that there would be no negative impact to the Board to deem the application complete. He thanked the Board for their time.

Mr. Coronato followed that he feels that in a normal application he would agree with Mr. Tuvel, except this is a Redevelopment Agreement and the Applicant is essentially partners with the Township. Any changes to the Agreement should first be approved by the Redevelopment committee which happens to be the Town Council.

Mr. Tuvel opined that there is no reason from a contractual standpoint that the Board could not hear the application. The proposed use is set forth as a permitted use in the initial Redevelopment Plan. There are no changes to the two pad sites.

Mr. Umlauf asked if there was an EIS done and Mr. Tuvel informed the Board that the property has been under the purview of many environmental professionals for many years, but there was an EIS submitted in February of 2023. Mr. Barron asked the Board and Mr. Mullin if they had any more questions, and they did not. Mr. Barron reminded Mr. Tuvel that the initial presentation, which he was there for, was for retail, mixed use and residential. Mr. Tuvel explained that it was just a commercial use presented at the time so that they could maximize the allowable trips for DOT and Stormwater calculations. Mr. Barron reiterated that there was no self-storage facility presented to the Board in the initial presentation of the application years ago. Mr. Tuvel confirmed that. Mr. Umlauf said that the Township has self-storage facilities everywhere and went on to name all the self-storage facilities in town along with the new 3-story self-storage facility built on 37 right on the border of Manchester and Toms River. Mr. Tuvel asserted that it is a permitted use in the zone, and it does not matter. The applicant has been asked by the Town to find a retail tenant and Mr. Karen cannot find one. Mr. Coronato explained again that this is not a normal situation where the applicant is just a standard business owner. A Redevelopment is a re-zoning for the better of both parties. He still recommends that the Board deem the application incomplete. Mr. Tuvel explained that the proposed use was negotiated in the Redevelopment Plan and he would respectfully request that the Board deem the application.

Mr. Coronato said that we need a Motion. Mr. Barron asked for a Motion to deem the application incomplete. Mr. Umlauf made that motion, seconded by Ms. Drake.

Roll call vote:

Mr. Barron-yes, Ms. Finn- yes

Messrs. Mr. Umlauf—yes, Mr. Vaccaro—yes, Mr. Teague—yes, Ms. Drake—yes, Mr. Poss—absent, Wayne Mascola—yes.

Motion carries. Application deemed incomplete and sent back to the Redevelopment entity for review and approval.

Mr. Coronato requested a 5-minute recess.

Mr. Barron announced that the next item on the agenda was the review of the Ordinance amending Chapter 245 and the Zoning Map. Mr. Barron introduced Nicholas Dickerson, conflict PP for the Planning Board, Gary Sylvester, Director of Land Use and Planning, and Pasquale Popolizio, Township Zoning Officer.

ORDINANCE REVIEW:

1. Review of Township Council Ordinance #23-08 Amending Chapter 245
2. Review of Township Council Ordinance #23-09 Amending Appendix of Chapter 245, Entitled Zoning Map

Mr. Coronato explained what the Planning Board's job was to review the Ordinance, make comments and refer it back to the Council. He said he will explain the changes and the Board can ask questions and make comments and at the end, the matter will be opened to the public for comment, questions, and discussion. He asked that the comments be kept brief because there was a large crowd and to stay away from repetitive comments and questions. Mr. Coronato explained that a few years back, the Town did a review of the Ordinance to make the ordinance more consistent throughout and to bring the titles up to modern times. The titles currently being used include terms that were used in the 70s and 80s and are not proper anymore. The intent is to eliminate inconsistencies. Mr. Coronato opened the matter to the Board for questions and comments.

Mr. Barron said that he reviewed the Ordinance, all 65 pages, and he thinks that it is a good plan. Mr. Coronato confirmed that there were a lot of changes that had to be made to accomplish the goals previously explained.

A gentleman stood up and interrupted Mr. Coronato, asserting that the process was taking too long and that the Board was wasting everyone's time.

Ms. Finn thanked the public for being present at the meeting because she always encourages public participation. She reminded the public that the Board members are just volunteers and are not paid to be there. She asked them to be patient because they are happy to hear from the public, but she also asked them not to be rude.

Mr. Coronato stated that if many of the public present in the audience were there for the religious use change, the change was a more neutral approach to the language in regarding a "place of assembly." It is more inclusive of all similar uses and is no longer just religious. The ordinance is simply being rearranged. There are also small changes being made to the regulations of incidental and accessory structures, which is a result of Surf & Stream. The Township is attempting to tighten up the ordinance. Ms. Finn asked what the change to the accessory structure ordinance was and Mr. Popolizio explained that certain allowable accessory structures have not been permitted in the past, which will now be permitted. There will still be a permitted 1000 SF cumulative total of accessory structure area and we will be making sure they are in the rear yard. Ms. Finn thanked Mr. Popolizio for the explanation.

No more Board questions or comments.

OPEN TO THE PUBLIC.

Shelly Lowe-6 Bleeker Street-Sworn in. Mr. Lowe stated that just like everyone else, she does not understand the difference between what the ordinance was and what is proposed. Does this mean that a residential property can now be turned into a place of assembly?

Mr. Coronato explained that there is a difference between having a party or a gathering and turning a property into a church with pews. Ms. Lowe asked whether the change in the ordinance would allow for that, and Mr. Coronato said no. The property owner would still need a zoning permit to change a residence to a place of worship. That scenario was not permitted before and is not now. The Planning Board does not have jurisdiction to change houses being utilized as a place of worship and the public would need to go to Council to change that. Ms. Lowe asked to confirm that the changes proposed in the ordinance do not permit a residence to change into a place of worship. Mr. Coronato confirmed and reiterated that the property owner would need to go before the Zoning Board of Adjustment to do that. Mr. Lowe asked whether the places that

are currently being utilized as places of worship in a residential home, in her opinion, would be called places of worship and Mr. Coronato said no.

Michelle Boyle, 2372 Huckleberry Rd-Sworn in.-Ms. Boyle said that she wanted to inform the Board about what she has been through. She said she has seen trucks pull up and unload tables and chairs and 40-50 men enter/exit a home twice a day. This situation has changed her way of life. She could not leave her house on Easter. She had her family leave once because they could not find a parking space. She would like a better definition of the word sporadic. Mr. Coronato explained that the Planning Board does not have enforcement jurisdiction and they are only a review Board. He referred her back to the Town Council. Ms. Boyle stated that they are all here asking for help because it is changing their way of living and it is going on throughout Manchester.

Matthew Cavalier, 1034 Second Ave-Sworn in.- Mr. Cavalier thanked the Board for volunteering and giving him the ability to comment. He wanted to know if this ordinance would have an effect on assemblies already happening. Mr. Coronato said no that it is the same as it was before. Mr. Cavalier mentioned that he thought perhaps the Planning Board should make a comment to the Council about it in their memo back to the Council. Mr. Sylvester said that no Zoning districts are changing. Mr. Popolizio said as usual, in Zoning, any use not permitted is prohibited. This has always been a conditional use in any residential zone. Mr. Cavalier wanted to know who the public should go to with their concerns. Mr. Coronato responded that they should go to Mr. Popolizio, the Zoning/Code Enforcement Officer, the police, or the Council.

Kim Schwindt- 1109 Monmouth Ave-Sworn in. She stated that she has lived in Pine Lake Park for 43 years, but now there are at least 20-25 cars parked on the street. She said they stand in the street, and it is very upsetting. She believes the situation is dangerous and scary. She is a 71-year-old woman and wants to be safe in her own house.

Gail Apgar-Bingham-53 Columbus-Sworn in- She said she keeps hearing what all the Boards have to say because she has been attending all the meetings. She would like to see all the Boards listening at the same time. She would like to see the self-storage situation taken care of and the issues with places of worship, parking, and pedestrian safety to be addressed. She said that she has a problem with Mr. Tuvel and feels like he is a little "switchy." She said it started off as commercial and changed to self-storage.

Joanie Passalaqua-7 Clearstream Ct.-Sworn in. She is concerned about an abandoned house and cat colony on Wilbur Ave. She heard there was an application submitted to the Township for a place of worship. Ms. Kisty explained that there was no application submitted to the Township and nothing currently scheduled to go before the Board for that property. Mr. Popolizio said that the property is not zoned for that and would have to go before the Zoning Board of Adjustment if they wanted to utilize the property that way. Mr. Coronato explained the process to apply for a Use Variance.

George Matyi-6 Maddock Ln.- Sworn in. Mr. Matyi about the houses and homes proposed on the corner of Rt. 530 and Cherry Street. Ms. Kisty and Mr. Popolizio explained that there was a possible sale of that property to the County for Green Acres Open Space.

John Robinson- 1900 Seventh Ave-Sworn in- He had a question regarding the place of assembly regulation on how many people would be allowed to gather. He is concerned about all the gatherings in a neighborhood full of septic tanks. Mr. Popolizio explained that the occupancy load for a septic tank is regulated based on the number of bedrooms and not the projected number of guests. Mr. Coronato thought that was a reasonable concern. Mr. Robinson wanted to know why the Planning Board could not regulate this. Mr. Coronato explained again that the Planning Board does not have jurisdiction of enforcement. Code Enforcement and Council would be responsible for that.

Patrick Dambroski-901 Seventh Ave-Sworn in.- Mr. Dambroski said he had two questions. The first question is Does this ordinance take place in all zones? Mr. Popolizio confirmed that it does affect all zones. Mr. Coronato asked Mr. Popolizio for clarification and asked if a place of assembly is permitted in every zone. Mr. Popolizio said no, only where a place of assembly is a conditional use. Mr. Dambroski asked is this would affect commercial development in the future. Mr. Dickerson said that it was not expanded into additional zones. Mr. Dambroski explained that

his concern was for the churches that already gather in firehouses and other public buildings. He wants to make sure that they can still do that. Mr. Coronato and Mr. Papolizio confirmed that because it was already an existing non-conforming use that it should not be an issue. Mr. Dambroski asked if there was a definition of a place of assembly in the new ordinance. Mr. Dickerson read the definition on page 5 of the proposed ordinance. Mr. Dambroski wanted to know what is considered a small number of people and what is considered sporadic. Mr. Coronato explained that any reasonable interpretation would be acceptable. Mr. Dambroski said that a small group of assembled people should be defined and so should sporadic. He also feels that the gatherings should be fire regulated. Ms. Finn asked if he would want his child's birthday party regulated. Mr. Dambroski answered that he does not have his child's birthday party every weekend. Mr. Coronato confirmed that any prior non-conforming uses can remain and nothing new would not be permitted.

Terry Reikus- 2100 Manchester St.- Sworn in.- Asked if they could define sporadic. Would that be considered the same time, every day, every week? Mr. Coronato asked if 15 women coming over for a book club every Tuesday night would be considered sporadic. Ms. Reikus said that there is no number of people and no definition of sporadic. Mr. Teague said that the ordinance says, "Incidental, temporary and sporadic..." Temporary would not mean every night.

Nick Frizino-1717 Twelfth Ave- Sworn in- Asked if prayer houses were allowed in Pine Lake Park. Mr. Coronato explained that everyone has Constitutional protection of a right to practice religion. Mr. Frizino asked why they are doing it if they are in a residential area. He said that Pine Lake Park does not have sidewalks and it does not have great lighting. He does not want Manchester to become like Lakewood and he wants the Planning Board and the Council to talk with one another. Mr. Finn said that they would let the Council know. Mr. Coronato will include that in his memo to the Council.

Alice Devito-2016 Fourth Ave-Sworn in. Ms. Devito said that she was at the last council meeting where they were talking about land swaps and a few other meetings, and she observed the phrase "hardship" being used often. Mr. Coronato explained about hardships and how that has to do with land swaps at Council and in regard to Land Use matters in general.

Denise VanRye-2456 Huckleberry-Sworn in- She and her husband had been living in Manchester for 53 years. She had two questions. The first question was if all the new developments and traffic situations would cause an issue in the case of an emergency and a Fire Truck or other emergency vehicle could not get through. She was also concerned about being able to see people walking in the streets at night. Her second question was whether permits were required for major renovations and if it is required to be posted in the window. Mr. Sylvester instructed her to contact the building department tomorrow and she could get more information on that.

Dennis Nadolny-700 Ninth Ave-Sworn in- Mr. Madolny wanted to know if the police had to provide extra direction of traffic, would the residents have to foot the bill for the additional manpower required to do that. Mr. Coronato said that provided there were no excessive calls, the residents would not foot the bill at all.

Joan Guido- 5A Robin St- Sworn in- Ms. Guido wanted to know why they are building a County Park in a senior area. Mr. Vaccaro explained where the proposed park is going to go and what is included. He explained that the land she is referring to is a different possible County purchase with a proposed dedication of land to the Renaissance. Mr. Barron said that the decisions would be up to the County.

Margaret Prokop-1321 Bayonne Ave- Sworn in- Ms. Prokop said that she had been catching bits and pieces of the ordinance and she was not sure if specified and specific place of assembly or if it mentions schuls directly. Mr. Coronato explained that it does not. Ms. Prokop wanted to know, other than the disruption of people's lives, what stops "them" from becoming a tax free entity. Mr. Coronato explained that you do not get a tax exemption for claiming that you are a place of worship. If the property owner were to declare themselves a place of worship, they would have to go before the Board otherwise they would not receive a tax exemption. Ms. Prokop was also concerned about traffic.

Gail Apgar Bingham- 53 Columbus-Previously sworn in- She wondered where the houses were that the members of the public were referring to. She wanted to know if any lawyers could write letters to these people about gatherings in streets and using flashlights. Mr. Coronato said that he will be sending a letter to the Council with the concerns regarding parking, etc. that were asserted by the public at tonight's meeting. Ms. Bingham thanked the Board.

Michelle Boyle-previously sworn in- Said she can understand everyone's frustration and would like a definition of sporadic and number of people. The Mayor sent them here for information. Mr. Coronato explained that there is currently no definition expressly provided in the proposed ordinance for the meaning of sporadic. That would mean that the person interpreting the ordinance would use the plain meaning of the word for their interpretation. He will have a comment about this concern in his memo back to the Council for them to discuss.

Mr. Barron thanked the public for their comments and they will take all of it into advisement.

Ms. Drake needed to leave.

Mr. Coronato explained that generally, a number of different parking issues and safety issues were discussed. As far as the actual ordinance is concerned, the public would like to see a definition of the word sporadic.

Mr. Umlauf offered a general comment. He said that he can attest to the benefit of getting involved in your community. His family has been here 80 years. When you see something say something. If you want to make changes do something. Change does happen. He deals with people flying down the road and he goes to meeting and says something.

Mr. Teague said that specifying the frequency and regularity might help to define sporadic. Mr. Umlauf wanted to know how that would be monitored. Mr. Vaccaro wanted to know if everyone would be allowed to get together and meet. Mr. Coronato said that would be possible. Mr. Barron wanted to know when this would go back to Council. Mr. Coronato said if not this meeting than next meeting. He will send a memo including the safety concerns, traffic concerns, regulation of houses of worship, septic concerns, definition of sporadic (frequency and regularity and how to enforce it), and the effect on prior non-conforming uses through firehouses, etc.

Mr. Coronato said there was no vote necessary and he will send a letter to Council, but will send it to the Board members to review and approve first.

ADMINISTRATIVE SESSION:

**Payment of Bills**

We are in receipt of seventeen invoices from Colliers Engineering & Design for a total of 55.50 hours and an amount of \$11,286.71 and seven invoices from Morgan Engineering for a total of 8hours & fifteen minutes and amount of \$1,114.25. The services are in support of:

<b><u>Project No.</u></b>	<b><u>Project</u></b>
MCP009	Presidential Gardens
MCP0087	Inspire NJ
MCP001	General Planning Board Services
MCP0087	Inspire NJ
MCP0097	Marble Arch Homes
MCP0096	Manchester Apartments, LLC
MCP0102	Whiting Group LLC
MCP0100	VillageMD New Jersey LLC
MCP0103	K. Sarama, LLC
MCP0096	Manchester Apartments, LLC
MCP0102	Whiting Group, LLC
MCP0087	Inspire NJ
MCP0103	K. Sarama, LLC
MCP0097	Marble Arch Homes, Inc
MCP0100	VillageMD New Jersey, LLC

MCP009	Presidential Gardens
MCP001	General Planning Board Services
PB2023-01	Jeffrey Jerman
PB 2023-04	Jeffrey Jerman
PB2023-05	Parkwood
PB2023-06	Buglio
PB-2023-07	Non Escrow
PB-2023-10	Review Documents for distribution.
PB2023-014	Review Documents for distribution

The services are in support of Correspondence; Application Review; Resolution Preparation; and Preparation for and Attendance at Planning Board Meetings.

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

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

Mr. Umlauf made that Motion and Mr. Teague seconded that Motion.

ALL IN FAVOR  
NONE OPPOSED

**Approval of Meeting Minutes from March 6, 2023 meeting**

Mr. Barron asked for a Motion to approve the March 6, 2023 Meeting Minutes.

Mr. \_\_\_\_\_ made the Motion; Mr. \_\_\_\_\_ seconded that Motion.

Roll Call Vote:

Mr. Barron—Yes, Ms. Finn—Yes

Messrs. Mr. Umlauf—Yes, Mr. Vaccaro—Yes, Mr. Teague—Yes, Mr. Poss—Yes

**PROFESSIONAL REPORTS:**

**ITEMS FOR DISCUSSION:**

None

**OPEN PUBLIC PORTION:**

None.

MOTION TO ADJOURN: by Mr. Vaccaro, seconded by Mr. Teague

ALL IN FAVOR  
NONE OPPOSED

ADJOURNMENT: 8:14 p.m.

Respectfully submitted,

Amanda Kisty  
Secretary to the Board