

MINUTES OF THE
SPECIAL MEETING
OF THE JOINT LAND USE BOARD
April 25, 2018

THE SPECIAL MEETING OF THE LAND USE BOARD OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON APRIL 25, 2018, IN THE MANVILLE MUNICIPAL COURTROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 6:30 P.M.

CHAIRMAN GEORGE KELMAN PRESIDED

Chairman Kelman called the Regular Meeting to order at 6:30 p.m., and the Secretary announced that proper notice had been given by the posting of the Regular Meeting notice and by transmitting the notice of the meeting to the Courier News and the Star Ledger.

SALUTE TO THE FLAG

Everyone present participated in the Salute to the Flag.

ROLL CALL:

Present	George Kelman, Chairman	
Present	Ted Camacho	
Present	Richard Onderko, Mayor	
Present	Ted Petrock, Councilman	
Present	Rudy Nowak	Arrive at 6:43 p.m.
Present	Andrea Bierwirth	
Present	Brandon Agans	
Present	Jim Powers	
Absent	Donald Quick	
Present	Suzanne Maeder, Alternate #1	
Present	Tim Kenyon, Alternate #2	
Absent	Tiffany DeLucia, Alternate #3	
Present	Christopher Corsini Esq., Board Attorney	
Present	Stan Schrek, P.E., Borough Engineer	

APPROVAL OF MINUTES of the Regular Meeting of April 3, 2018

Mr. Powers, seconded by Mr. Agans, motioned for the approval of April 3, 2018 minutes. All were in favor.

RESOLUTION

There were no resolutions.

APPLICATION

There were no applications.

PRESENTATION

A. Valerie Drive Presentation

Angela Knowles, Professional Planner of Van Cleef Engineering Associates, gave a presentation on the Valerie Drive Redevelopment Plan. She stated the proposed plan is a complement to the existing neighborhood. Ms. Knowles gave an overview of the existing area consisting of 2 acres, single-family homes, and S75 residential zoning. Given the proximity to the rustic mall site, the redevelopment area consisting of 8 lots should anticipate the potential redevelopment of the rustic mall.

Mr. Schrek, for the record, stated a parcel is still shown on the tax map as being a right of way a will require the Borough Council to vacant the parcel back to the lots.

Mr. Knowles reviewed the process of the redevelopment plan moving forward. She identified the goals and objectives of the plan were to optimize the existing space, provide a transition from the single family homes to have a mixed use development, maintain existing street and circulation system for the Valerie Drive Redevelopment Areas that connects the existing residential neighborhood to the existing businesses along South Main Street, and to ensure that the capacity of all utility systems serving the Redevelopment Area is adequate to support any proposed development.

Mr. Knowles stated the proposed plan consists of 23 units within 5 structures at 1,100 square feet per unit. Mr. Schrek stated basements should be included in the proposal to meet the resident's storage need. Mr. Knowles concluded by advising the Board of the next steps to adopt the redevelopment plan.

Mr. Kelman asked if current the lots are deeded included the portion of the road recently discovered on the tax map. Mr. Schrek stated a recommendation can be done to vacate the land. Mr. Kelman asked if the Department of Environmental Protection placed restrictions on included basements. Mr. Schrek stated there is a restriction of 14 feet.

Mr. Kelman asked if the Mayor knows of interests from redevelopers. Mayor Onderko responded to Mr. Kelman's question and added that there is a restriction of 14 feet by Somerset County.

Mr. Nowak asked the width of the units. Mr. Schrek stated the units vary from 18 to 24 feet.

Ms. Maedar asked if units will have attatics to accommodate storage.

Mr. Powers asked if a basement can be mandatory.

Mr. Kelman asked the next steps. Ms. Knowles advised the Board would move to recommend the adoption of the redevelopment plan to Borough Council. She stated the recommendation to include the basement will be included.

Maureen Taylor, 260 North 6th Avenue asked if the S75 zoning applies to the entire Borough or this specific area. Ms. Knowles stated the specific redevelopment area is affected.

Maria Janucik, 720 East Frech Avenue, asked if there is a redeveloper for the Valerie Drive Redevelopment Plan. Mr. Schrek stated the development plan provides clear guidelines for the redeveloper and attracts a developer quicker. Ms. Bierwirth stated the Progress and Development Committee agreed with that a design is beneficial. Ms. Janucik asked the amount of units and whether they will be townhouses or condos. Ms. Bierwith addressed her questions. Ms. Janucik asked if the units will be included in the Borough's affordable housing. Mr. Peatrok addressed her question. Ms. Janucik asked the value of the land. Mr. Kelman and Mr. Nowak addressed her question. Mayor Onderko stated an appraisal of the land is the next step. Ms. Janucik commented on the error, mentioned in the presentation, on the tax map, the advertisement of the meeting notice, and the inclusion of the basements in respect to the superfund site. Mayor Onderko addressed the superfund cleanup.

Ed Komarowsky, 300 West Frech Avenue, commented on the proposed plan.

NEW BUSINESS

Mr. Corsini advised the Board to review Ordinance 2018-1199, discuss, and provide the Borough Council with any comments. Council Peatrok stated the Borough Council is against the sale or use of marijuana in the Borough and believes it's not lucrative for the Borough. Mr. Kelman questions if studies or data have been provided to support the special concern for security, safety,

and location of the sale and use of marijuana, indicated in the Ordinance. Borough Attorney, Mr. Masiak, stated the Chief of Police expressed security concerns.

Mr. Kelman stated there is a data to support the use of medical marijuana. Mr. Kelman provided data and referred to studies to support his favor for medical marijuana.

Mr. Corsini stated the New Jersey statute is structured to provide for 6 facilities in New Jersey, two in each region, north, south, and central, upon the completion of the sixth facility, all must be non-profit initially. The facilities may open for profit as permitted by the Department of Health and within the applicable zoning ordinances of a municipality. Mr. Corsini advised there are two different questions of whether a person can use medicinal marijuana within the Borough and whether a facility can be build to sell medical marijuana.

Mr. Kelman provided additional data on the approval of medical marijuana. He stated municipalities will share in the tax revenue of the sales of marijuana. He stated the Borough should take advantage of the source of revenue.

Mr. Nowak commented on the need for additional law enforcement and their cost if the Borough allowed the sale of marijuana.

Mr. Powers commented on the allowance of the sale based on the unknown and the prohibition of the sales despite the State allowing sales.

Mr. Corsini commented on Bridgewater's actions on the matter.

A discuss was held by the Board on their sentiments for medical marijuana.

Mr. Corsini advised the Borough Council is looking for the Board to make a recommendation.

Mr. Masiack commented there is a value to have an ordinance in place to prohibit sales. He advised the Board can recommend approval as drafted, recommend with disapproval or recommend with a change.

Mr. Bierwirth motioned to make a recommendation that the medical use of marijuana be permitted and the recreational use be prohibited.

Mr. Corsini clarified per Ms. Bierwirth's recommendation, that once the sixth facility is built, an application can be made to the Department of Health to build a medical facility in the Borough.

Mr. Agans, seconded the motion for permitting medical marijuana.

Mr. Nowak stated it should be limited to 1 facility. He asked if the medical marijuana can be sold in pharmacies. Mr. Corsini addressed his question.

Mr. Corsini advised on the process of the initial 6 medical marijuana facilities.

Mr. Nowak stated he would vote in favor of the recommendation if it was limited to 1 facility without satellite facilities.

Mr. Corsini stated Mr. Agans recommendation to limit medical facilities to commercial zones is permitted.

Mr. Agans commented on the medical facilities in commercial zones.

Mr. Peatrock asked where the facilities can be located and the difference between non-profit and tax. Mr. Corsini addressed his questions.

Mr. Kelman called a roll call for the motion recommending the ordinance be drafted to remove the prohibition of the sale of medical marijuana.

Mr. Kenyon asked if the Borough bans the use of medical marijuana will it share in the tax revenue. Mr. Masiack clarified the tax is collected at the point of sale for recreational marijuana.

Mr. Kelman stated the wording “sale or use” in the title of the Ordinance is not addressed in the body and should be removed.

Roll Call: Ayes: Kelman, Powers, Bierwirth, Camacho, Agans
Nays: Nowak, Peatrock, Mayor Onderko, Maeder
Absent: Quick

The motion passed.

Ms. Bierwirth stated she provided a memo to the Board to discuss whether the Master Plan should be updated in full or reexamined.

Mr. Peatrock stated the Master Plan is important to update.

Ms. Bierwirth stated a sustainability plan element may be required for the Master Plan. Ms. Knowles stated it's an optional element.

Mr. Schrek

Ms. Bierwirth advised the Borough is currently codifying the Borough's ordinances. Mr. Schrek commented the ordinances should be reviewed.

Mr. Peatrock stated codification should be in place prior to the Master Plan.

Angela Knowles stated the Master Plan should be a public process for a complete vision of the Borough.

Mayor Onderko requested clarification on the difference between the reexamination and full update. Ms. Knowles addressed his question.

Mr. Peatrock asked if the revisit of the Master Plan coincide with the Ordinances. Ms Knowles addressed his question.

Mr. Kelman asked the affect of the adjustment to Master Plan. Ms. Knowles addressed his question.

Mr. Schrek advised a good starting point is reviewing the last reexamination and to wait for the completion of the codification.

Ms. Bierwirth advised on the time frame of the completion of the codification. She further commented on the enforcement of the ordinances and potential challenges with the outdated Master Plan.

Mayor Onderko and Mr. Powers asked whether a full update or reexamination was required. Mr. Schrek stated a reexamination is a starting point. Ms. Knowles stated the reexamination will provide a better idea what the Master Plan will look like.

Mr. Kelman asked the status of consideration for a redevelopment plan on the northern property discussed in informal presentation by WaWa. Mr. Schrek addressed his question.

Ed Komaroski, 300 West Frech Avenue, asked what protects property owners for their nonconforming use. Mr. Corsini addressed his questions.

OLD BUSINESS

Mr. Powers stated the Board should discuss additions and deletions to the by-laws.

Discussion was held on amending and deleting various areas of the by-laws.

Mr. Kelman called for a roll call with the Board's amendments.

Roll call: Ayes: Kelman, Powers, Nowak, Bierwirth, Petrock, Camacho, Agans, Mayor Onderko

Nayes: None
Absent: Quick
Abstain: Maeder

PUBLIC PORTION

Marie Janucik, 720 East Frech Avenue, asked if the Valerie Drive Redevelopment Plan Presentation powerpoint is available to the public. She asked if changes done to ordinances, in respect to the Reexamination of the Master Plan, go before the Mayor and Council. Ms. Janucik requested clarification on fairshare housing. Mayor Onderko addressed her question. Ms. Janucik asked if the tax maps are available and provided comments on the marijuana ordinance.

West Taylor, 260 North 6th avenue commented on the Lost Valley Nature Park.

DISCUSSION

Mayor Onderko commented on the marijuana ordinance discussion.

COMMENTS BY BOARD MEMBERS

No additional comments by the members of the Board.

The meeting was adjourned at 9:01 p.m.

Respectfully submitted by,

Jasmine D. Mathis
Land Use Board Secretary