

MINUTES OF THE  
REGULAR MEETING  
OF THE LAND USE BOARD  
JUNE 13, 2017

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THE REGULAR MEETING OF THE LAND USE BOARD OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON JUNE 13, 2017, 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 Acting 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 :**

CHAIRMAN GEORGE KELMAN, Present  
VICE-CHAIRMAN, TED CAMACHO, Present  
JOE BARILLA, Present  
COUNCILWOMAN DAYNA CAMACHO, Absent  
VACANT POSITION  
RUDY NOWAK, Present  
MAYOR RICHARD M. ONDERKO, Present  
JIM POWERS, Present  
DONALD QUICK, Present  
BRANDON AGANS, Alt. #1, Present  
STEVE RODZINAK, Alt. #2, Absent  
MICHAEL KASSICK, Alt. #4, Present  
CHRISTOPHER M. CORSINI, ESQ., BOARD ATTORNEY, Present  
STAN SCHREK, BOROUGH ENGINEER, Absent

**APPROVAL OF MINUTES**

Chairman Kelman requested approval of the minutes of the Regular Meeting of May 2, 2017.

Michael Kassick, seconded by Joe Barilla, made a motion to approve the minutes of May 2, 2017.

All present were in favor.

Chairman Kelman announced that we would be taking the Agenda out of order, and would be hearing the New Business item first.

## **NEW BUSINESS**

A/ Request for Extension of Time Brooks Townhouses, LLC

Chairman Kelman requested that the applicant come forward.

William Robertson, Esq. of the law firm of DiFrancesco, Bateman came forward to make the request on behalf of his client Brooks Townhouses. He noted that his client is requesting an extension of the Preliminary and Final Site Plan approval originally granted in April of 2010. He noted that they appeared before the Board last year to request the first extension permitted, pursuant to N.J.S.A. 40:55D-52. He stated that the application was tolled by the permanent extension act from 2010 through June 30, 2016. He stated that the Board granted a one-year extension which expires June 30, 2017. He stated that since that time, the applicant has retained his experts to continue the project, but has determined that there were permits that expired in the interim period. He stated that the applicant is in the process of seeking an extension and renewal of permits for sewer extension and a renewal of the New Jersey American Water application. Mr. Robertson stated that his client is also seeking to reaffirm the wetlands delineation with the DEP. He stated that his client has every intention of proceeding with this project once all the permits have been completed. He stated that the permits should take about 90-100 days to be issued, and the applicant will begin moving forward at that time. He stated that the applicant's Engineer, Richard Brown is also here, as well as the applicant if the Board has any questions.

Chairman Kelman asked if the applicant anticipates beginning construction within the one-year extension.

Mr. Robertson stated that the applicant will begin construction before the one-year extension expires.

Attorney Corsini stated he sees no legal issues, and the standard is under subsection D of the statute as cited by Mr. Robertson. He stated that the issue that permits are outstanding is what the statute intended to allow extension. He suggested the Board ask questions if they have concerns, however, this situation is contemplated under the statute.

When no Board members had questions regarding the extension, nor wished to hear testimony from witnesses, Chairman Kelman requested a motion to either approve or deny the extension of time request.

Jim Powers, seconded by Ted Camacho, made a motion to approve the extension of time.

ROLL CALL: AYES:KELMAN, CAMACHO, T., BARILLA, ONDERKO,  
NOWAK, POWERS, QUICK, KASSICK, AGANS

## **RESOLUTIONS**

- A/ Request for extension of time:  
Application #PB-16-01 - Georgos Kontos  
Minor Subdivision; Bulk Variance  
Block 68, Lots 54-61, 50 North 14<sup>th</sup> Avenue

Chairman Kelman requested that the applicants explain their issue.

Attorney Corsini stated that he spoke with Stanley Rizzolo, Esq., attorney for the applicants. He stated that he did not think his presence was required tonight, since this was just a memorialization of the approval of May 2<sup>nd</sup>.

Chairman Kelman requested a motion to adopt the Resolution memorializing the Request for Extension of Time.

Rudy Nowak, seconded by Michael Kassick, made a motion to adopt the Resolution memorializing the Request for Extension of Time.

ROLL CALL: AYES:BARILLA, CAMACHO, T., KELMAN, NOWAK,  
ONDERKO, POWERS, KASSICK  
ABSENT: CAMACHO, D.

- B/ Application #PB-17-04  
Atilla Sabahoglu  
Block 136.01; Lot 29.01, 1009 Roosevelt Avenue  
Bulk Variances

Chairman Kelman asked Attorney Corsini if there were comments or conditions for this Resolution.

Attorney Corsini noted that the usual conditions will apply, however, they were inadvertently omitted from the Resolution. He stated that the standard conditions will be added to the Resolution. He stated that the Resolution could be approved since the Board did not levy any extraneous conditions. He noted that the standard conditions are that all requirements of the Borough be followed and all escrows be paid. He stated that they are normally appended under Section 15, and they will be added.

Chairman Kelman requested a motion to adopt the memorialization Resolution regarding this application.

Joe Barilla, seconded by Mayor Onderko, made a motion to adopt the memorialization Resolution for this application.

ROLL CALL: AYES:BARILLA, KELMAN, NOWAK, ONDERKO,  
KASSICK

## **APPLICATIONS**

Chairman Kelman announced that the following applications will be carried to the next meeting on July 5, 2017 without the need for additional notice:

- A/ Application #PB-17-01 (continued from April 4<sup>th</sup> and May 2<sup>nd</sup>)  
Mark Manville, LLC  
Block 82, Lot 42.01, 1 North Main Street  
Preliminary Major Site Plan, Final Site Plan, Use Variance  
Bulk Variance, Conditional Use Approval

**Carried to July 5<sup>th</sup> meeting**

- B/ Application #PB-17-05  
Dharm, Inc. t/a Dunkin' Donuts  
Preliminary Major Site Plan, Final Site Plan  
Block 150, Lots 15-19 and 25 - 321 South Main Street

**Carried to July 5<sup>th</sup> meeting**

Chairman Kelman announced that the following application will be carried to the August 1, 2017 meeting, without the need for further notice:

- C/ Application #PB-17-06  
Kontos, George & Eve  
Use Variance; Bulk Variance  
Block 111, Lots 16 & 17

**Carried to August 1<sup>st</sup> meeting**

Attorney Corsini also noted that the application for SBA regarding the cell tower (PB-17-03) was still pending due to alternatives that were proposed that the applicant would like the Board to consider prior to adopting a final Resolution. This application will also be carried to the July 5, 2017 meeting.

**PUBLIC PORTION**

Chairman Kelman opened the public portion for comments from the public.

Maria Janucik, 720 East Frech Avenue - asked for confirmation of the date of the next meeting. She also asked that the information regarding the cell tower application be repeated. She also asked if the Brooks Townhouses initial application was available for inspection.

Attorney Corsini stated that the applicant had proposed several alternatives in their plan, and they asked that before the Board renders a Resolution, that the Board consider those alternatives.

Chairman Kelman stated that the application for the cell tower was denied.

Attorney Corsini added that the application was denied, however, they requested that the Board hold off on adopting a Resolution denying the application, pending consideration of the alternatives. He stated that they will have to re-notice.

Chairman Kelman explained the history of the Brooks Townhouses application.

When no one else wished to comment, Chairman Kelman closed the public portion.

#### **COMMENTS BY BOARD MEMBERS**

Brandon Agans asked if we had received a traffic report from the Police Department regarding Mark Manville.

Chairman Kelman stated that he has not yet received the traffic report, but it is his understanding that there will be a Police Officer present at the next meeting to answer questions.

When no one else wished to comment, Chairman Kelman requested a motion to adjourn the meeting.

Rudy Nowak, seconded by Brandon Agans, made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 6:46 p.m.

ATTEST: Nancy Kagan, Board Secretary