

MINUTES OF THE  
REGULAR MEETING  
OF THE LAND USE BOARD  
SEPTEMBER 5, 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 SEPTEMBER 5, 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 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, Absent  
COUNCILWOMAN DAYNA CAMACHO, Present  
VACANT POSITION  
RUDY NOWAK, Present  
MAYOR RICHARD M. ONDERKO, Absent  
JIM POWERS, Present  
DONALD QUICK, Absent  
BRANDON AGANS, Alt. #1, Present  
VACANT POSITION, Alt. #2  
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 August 1, 2017, noting one change on page 102. He asked that the Secretary amend the word "cannot" in the next-to-last paragraph to "can".

Michael Kassick, seconded by Ted Camacho, made a motion to approve the minutes of August 1, 2017, with the correction as requested.

All present were in favor.

## RESOLUTIONS

A/ 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

Chairman Kelman requested a motion to adopt the Resolution as written. He explained that the application was denied.

Attorney Corsini clarified that the members that are in the majority opinion, or the members that denied the application (Nowak, Powers, Barilla), would be voting on the application.

Rudy Nowak, seconded by Ted Camacho, made a motion to adopt the Resolution denying the application.

ROLL CALL: AYES:CAMACHO, NOWAK

B/ Appeal of Application #PB-17-02  
1419 West Camplain, LLC  
Block 122, Lot 9, 1419 West Camplain Road  
Use Variance

Chairman Kelman explained that this Resolution affirms the Zoning Officer's determination that the use was an abandoned non-conforming use.

Attorney Corsini noted that everyone present was eligible to vote.

Brandon Agans, seconded by Ted Camacho, made a motion to adopt the Resolution affirming the Zoning Officer's decision.

ROLL CALL: AYES:CAMACHO, KELMAN, NOWAK, POWERS  
AGANS, KASSICK

C/ Application #PB-17-06  
Kontos, George  
Use Variance, Bulk Variance  
Block 111, Lots 16 & 17 142 South 3<sup>rd</sup> Avenue

Chairman Kelman stated that the Resolution approves application.

Attorney Corsini explained that the Board approved the application and granted the Use Variance with five votes. He stated that the eligible members would be the members in the majority. He noted that Mr. Powers recused himself from the application, and the eligible voters would be everyone but Ted Camacho and Rudy Nowak.

Rudy Nowak stated he would like to make a statement before the Resolution was adopted. He stated he feels that the passing of the Resolution is a potential disaster for the community. He stated that due to the size of the lot, it will give anyone license to purchase undersized lots and build two-family homes. He mentioned the overcrowding of the schools and basement apartments. He asked if he could, as a resident and a member of the Land Use Board, appeal the decision to the Mayor and Council.

Attorney Corsini stated that he would look into the matter and advise.

Chairman Corsini stated that the members eligible to make the motion are Kelman, Agans and Kassick.

Chairman Kelman requested a motion to approve the Resolution.

George Kelman, seconded by Michael Kassick, made a motion to approve the Resolution.

ROLL CALL:           AYES:KELMAN, KASSICK  
                          NAYES:        AGANS

Chairman Corsini stated that the motion carries.

## **COMMUNICATIONS**

A/     Letter from John P. Wyciskala, Esq. regarding Mark Manville  
Resolution

Attorney Corsini stated that Mr. Wyciskala has requested that the Chairman extend the time for memorialization of the Resolution of the Mark Manville matter to October 3, 2017. He noted that they may perhaps come back with a revised design. He stated that it is permissible and common, and it is in the discretion of the Chairman.

Chairman Kelman stated that he grants the application to carry the Resolution.

## **PUBLIC PORTION**

Chairman Kelman requested that anyone who wished to comment come forward.

Maria Janucik, 720 East Frech Avenue - had questions and comments regarding the Kontos and Mark Manville applications.

Chairman Kelman stated that the time for comments and questions on the applications was at the last meeting during the hearings on the applications.

Dean Shepard, P.O. Box 222 - had questions regarding the delay in the Resolution for Mark Manville.

His questions were addressed by Chairman Kelman and Attorney Corsini.

Mr. Shepard also asked if anyone knew if Mr. Rodzinak was living in town when he voted on the Resolution, and if the Board has any plans on having work sessions to discuss the future of the Borough.

Chairman Kelman stated other than the possible review of the Master Plan, there were no other plans.

Rudy Nowak asked the Chairman if Mr. Rodzinak was living in town when he voted on the application.

Chairman Kelman noted that it was an application that was denied, however, if he was not living in town, it was his duty to advise the Board and resign.

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

### **COMMENTS BY BOARD MEMBERS**

Michael Kassick noted that Mr. Rodzinak would still be a resident of Manville until he submitted his resignation. He stated that if he was in the process of moving, he's still a Manville resident. He asked when the resignation letter was received.

The Secretary noted that she had not yet received a letter.

Jim Powers noted in regard to Mark Manville that the Board remember that when asked, the witness for the applicant indicated he would not remove pumps.

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

Michael Kassick, seconded by Jim Powers, made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 6:57 p.m.

ATTEST: Nancy Kagan, Board Secretary