

MANCHESTER TOWNSHIP PLANNING BOARD REGULAR MEETING MONDAY, SEPTEMBER 20, 2010,
1 COLONIAL DRIVE, MANCHESTER, NEW JERSEY

The Regular Meeting of the Manchester Township Planning Board was called to order by Chairman Vaccaro at 7:00 pm on Monday, September 20, 2010.

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:

James Vaccaro	Chairman	Present
William Barron	Vice Chairman	Present
Frederick Trutkoff	Councilman	Present
Donald Czekanski	Mayor's Designee	Present
Sanford Krasky	Member	Present
Donald Somerset	Member	Absent
David Borowski	Member	Present
Anthony Tepedino	Alternate Member	Absent
Christina Edwards	Alternate Member	Present
Ed Liston	Attorney	Present
Al Yodakis	Engineer	Present

MEMORIALIZATIONS:

Memorialization of a resolution to approve an Administrative Approval, Proposed ADA Cover & Wind Shield Block 75 Lot 90 15 E Moccasin Dr
Applicant Crestwood Village Coop 4
Entrance to Club House for handi-cap
Approved August 2, 2010 meeting
Motion to approve by Mr. Krasky, seconded by Mr. Trutkoff
Roll Call: Mr. Krasky-yes, Mr. Trutkoff-yes, Chairman Vaccaro-yes
Messrs. Barron-yes, Czekanski-yes, Borowski-yes

Memorialization of a resolution to approve an Amended Site Plan/Variance
Proposed sign
Block 52.51 Lot 1 Hwy 70 Manchester Plaza
Applicant JP Morgan Chase Bank, N.A.
Approved August 2, 2010 meeting
Motion to approve by Mr. Czekanski, seconded by Mr. Borowski
Roll Call: Mr. Czekanski-yes, Mr. Borowski-yes, Chairman Vaccaro-yes
Messrs. Barron-yes, Trutkoff-yes, Krasky-yes

APPLICATIONS:

1. Preliminary and Final Site Plan Approval
Minor Sub-Division/Variance Approval
Block 44 Lots 2,3,5 and part of 4 Hwy.37 & Northampton Blvd.
Proposed Wal-Mart Store and Garden Center
Applicant Jaylin Holdings, LLC c/o Grunin Properties
Carried from August 2, 2010 meeting

Mr. Shea for the applicant, I believe at the last meeting, we concluded our presentation and Mr. Gasiorowski has concluded his witnesses and professional which will be testifying before the board. Mr. Klein has appeared here 2 meetings ago and indicated his desire to have his attorney or his experts be present at that meeting which was canceled to tonight's meeting. I received a letter from Mr. Bezdecki indicating he would desire to have witnesses or the opportunity of subpoenaing witnesses and named several individuals in the letter, Mr. Listen is aware of letter, I sent a letter to Mr. Bezdecki, Board's decision to grant request or not. Letter listed some 15-16 hearings both in Manchester and Toms River where he could have appeared. He has been given every opportunity to appear. We would stand by the letter we sent to the Board.

Mr. Liston, asked Ms. Borthwick if she had the letter, Ms. Borthwick, yes

Mr. Liston, mark as Board's Exhibit B1 with today's date, marked by court reporter

Mr. Liston, Mr. Bezdecki was asking the Board to grant him an adjournment of the hearing tonight so that he can bring in witnesses that he intends to subpoena in accordance with the letter

At this point we need a motion, second and roll call vote to grant or deny the adjournment, so the record is clear we acted on it separately.

Chairman Vaccaro, I will make a motion to that we not grant Mr. Bezdecki's request in said letter

Mr. Czekanski, I'll second that.

Motion to deny request for adjournment by Chairman Vaccaro, seconded by Mr. Czekanski

Roll Call: Chairman Vaccaro-yes, Mr. Czekanski-yes

Messrs. Barron-yes, Trutkoff-yes, Krasky-yes, Borowski-yes

Mr. Shea, can I have my letter to the Board marked as well.

Ms. Borthwick indicated she gave Mr. Liston a copy tonight, marked as Exhibit B2 by court reporter

Mr. Liston, before we have counsel for both the applicant and objector sum up, we will open to public for comment.

PUBLIC PORTION OPEN

Gwen Weingarh, 48 Fox St., sworn in, I have been very anxious for another Wal Mart, I think we need it, good for the economy. I feel the gentlemen that is supposed to bring witnesses had enough time to do it, this has been dragging on to long. I hope the board approves this.

Hank Glen, 29 Wycliffe, sworn in, live in town for six years, attend all township meetings, concern citizen, want Manchester to do the right thing,. Perlmutter keeps store stocked well, comparable prices people will still shop there. This country built on competition. Environmental issues, Manchester is 82 sq miles, can still protect snake.

Route 37, Northampton Blvd, traffic heading westbound, there is going to be a bottleneck, two lanes into one traffic will back up. Also I believe people will jump over median to go to Wal Mart, suggest a 2 foot fence on center median.

Regarding Lot 4, variances, reducing lot size even smaller, can we allow that.

With serpentine driveway, I think that Lot 4 should be moved right over and made it adjacent to the other person's property.

My biggest concern is that there be security patrols, this can become a hang out in summertime and create a problem.

Bill Hanley, 1632 First Ave. sworn in, I am in favor of denying the request for Wal Mart based on environmental and traffic concerns.

Albert Kopec, 117 Gardenia Way Toms River, sworn in, I build Wal Marts, certified in stormwater management, I can state Wal Mart is most professional conscious and aware company in existence today for environmental concerns. Been on projects, where endangered species were protected during construction. We are trained for this. Also trained for dangers, illegal immigration. All construction workers are union workers.

Problem with driveway brought up by public, suggest discussion with Wal Mart engineers, they like to please anybody that surrounds the area.

Mr. Gasiorowski, are you an independent contractor or employee of Wal Mart

Mr. Kopec, I work for two different companies

Mr. Gasiorowski, if approve you will build this Wal Mart

Mr. Kopec, must go to bid, not guarantee

Mr. Gasiorowski, aware of NJDEP, denial of application

Mr. Kopec, yes, not familiar with all particulars, my own studies could show some angles that were put in politically that may have corrupted the process.

Mr. Gasiorowski, you are saying DEP, purposefully corrupted to detriment of Wal Mart

Mr. Kopec, you are putting words in my month, I said the DEP has been known to make errors in the past

Bill Klein, 46 Barberi Dr. Ocean, sworn in, contract purchaser property adjoining the Wal Mart

Mr. Bezdecki stuck in traffic, 30 minutes away.

I would say Wal Mart concept is great, my concern is traffic and safety and what would be done to the value of our property.

Mr. Liston, so you aware the Board considered your request for adjournment and denied it, your letter as been marked into the record.

Barbara Hanley, 1632 First Ave., sworn in, live in PLP for 40 years, attended these meetings, concerned ram a super Wal Mart down my throat, many traffic problems unsafe conditions, Expert did not use the Wa Wa traffic study, traffic problems there already. Cars cutting thru First Ave now.

Sidewalk put in on Northampton to WaWa for safety, so many safety issues here Wal Mart is not concerned with only money.

We pay your salaries, do something for the people, they don't need the Wal Mart there. I don't think you are thinking of our quality of life.

Motion to close public portion by Mr. Krasky seconded by Mr. Czekanski

Roll Call: Mr. Krasky-yes, Mr. Czekanski-yes, Chairman Vaccaro-yes

Messrs. Barron-yes, Trutkoff-yes, Borowski-yes

PUBLIC PORTION CLOSED:

Mr. Liston last meeting issued raised, concerning how the requirement of a 100 foot separation between driveways had been interpreted, I asked Mr. Yodakis to research this.

Mr. Yodakis, I review four or five applications, over the past five years, included Quick Chek, Pine Lake Square, Green Acres Road Office Bldg. and Taft Bldg. in each of these cases, we took the driveway separation distance as a center line to center line separation. The ordinance is not specific as to where it is measured, if it's from the outer edge of the driveway or center line to center line. We have to my knowledge always interpreted it as center line to center line.

In this case, the separation is 104 feet, just slightly over 104 feet, where 100 feet is required, they meet the intent.

We may want to consider still granting the variance as the ordinance is not specific on that point

Mr. Czekanski, the objectors main objection was the adjacent property your talking about

Mr. Yodakis, correct

Mr. Liston, if everyone agrees, handle this as court does, objector goes first than plaintiff or the applicant to sum up.

Mr. Gasiorowski, assuming that when Mr. Bezdecki gets here he can still speak, I sure he can complete his own case

Mr. Liston, yes I'm sure, he has had notice of these meetings time and time again.

Mr. Gasiorowski, thanked the Board, treated courteously. I searched thru your ordinances, I have interpreted is that there is not in fact a Wal Mart zone in this community

First application building was larger, 50% of building was in Manchester as well as parking. Even though board approved application, CAFRA denied it. Environmental issue still exists in Manchester, DEP denied again.

The Varelli property if it were acquired that would ameliorate some of the problems regard to ingress and egress.

Mr. Klein testify to request taking property to have one ingress and egress, applicant has not shown any interest in attempting to resolve that problem. He has not showed an attempt to acquire property owned by Varelli.

I listen to comment by the people, traffic problems, I ask you not to be blinded by great ratable.

Mr. Perlmutter is not a wrongdoer, responsible member of community.

Applicant choose to go forward despite pine snake issue, spent your money as well as his. DEP said you can't build there.

I would urge you any relief applicant is seeking regarding ingress and egress on Route 37 should be denied.

Larger building on a smaller piece of land, a larger parking lot on a smaller piece of land is not good planning.

Thank you for your time.

Mr. Shea, agreed Board has been great, thanked for patience and corporation.

Issues faced in Manchester fewer than Toms River, requests are based on Municipal Land Use Act. In situations where ordinances and waivers are concerned the board must determine if the applicant has met his burden of proof. There are drawbacks board does not have powers over state agencies. In this instance the DOT has passed on this application, granted approval based on certain conditions.

Experts showed why variances should be granted. Overall issues of public, traffic and safety, are being addressed with improvements to Northampton and 37 .

Mr. Liston, I noticed Mr. Bezdecki came in, we have already closed the record, but I will allow you to speak.

Mr. Bezdecki, thank you, I found out today, there are a couple engineers that I wanted to present to this Board that would demonstrate this applicant knew it would impact the property I represent. Estate of Laszio Bellovitz. This application will diminish the value. Presently I am under court order to sell the property within the next thirty days, the diminution in value may cause the buyer to walk. To take extra lot now, to do another pad site, that's not right. Make it one combined lot with Wal Mart's lot, then it does not impact my client. Thank you.

Mr. Listen, if you feel this application granted will have a diminishing value on your client's property that is a private property right issue, to pursue in court, secondly you have been on notice of this hearing for the past year, you have appeared on prior occasions.

Mr. Bezdecki, yes I was prepared last week, but you had a problem

Mr. Bezdecki, I did not know about the two individuals who worked for the applicant in the past.

Mr. Shea, Mr. Bezdecki was asked a question and did not answer, he has been noticed since outset, he has been here , had the right to bring witnesses, and his client has been here. I want to make sure the record is clear, he has been aware of many hearings over the past nine months.

Mr. Liston, it is also my understanding that you have written to him several times and asked him to name his expert witnesses and he never did that.

Mr. Bezdecki, I had one letter, I appeared here once, Mr. Shea is right I don't have experts, I was going to use his, I did not have a chance to cross examine them.

Mr. Shea, the record be clear, we can supply and board has been copied those letters of the last five months.

Mr. Liston, Mr. Chairman we need to make a decision on this application

Mr. Czekanski, do we have a decision on the statue, we could approve site with or without statue

Mr. Liston, yes, Mr. Yodakis, without the statue they are in compliance right, Mr. Yodakis, three signs, statue considered sign.

Mr. Liston, if we include the statue as a sign, then he needs a variance for two signs

Mr. Yodakis, yes

Mr. Czekanski, I have no objection to the statue.

Mr. Liston, start taking comments from board as to what to move on.

Mr. Barron, I agree with statue, enhance the property

Mr. Trutkoff, I agree also, enhances property, help locate store

Mr. Borowski, I agree with board

Mr. Liston, focus on Lot 4, an under sized lot, applicant will reduce even more. Any development of that lot has to come before this board, we can impose all of the bulk requirements of the zone so as not to allow any other variances

Mr. Vaccaro, before we start, I would like to concur with board on statue

Mr. Czekanski, Lot 4 what actually can we put on that lot.

Mr. Liston, there is nothing proposed, when applicant comes before board, we can apply all of the bulk standards for the zone, perhaps a small bank branch or something like that.

Mr. Czekanski, another gas station, Mr. Liston, No gas stations allowed.

Mr. Krasky, there are enough constraints imposed on the parcel, I say leave the lot as it is.

Mr. Liston, you mean don't grant variance to make it smaller

Mr. Krasky, that's what I am thinking

Mr. Barron, if you don't grant variance they cannot put that driveway thru
 Mr. Liston, Mr. Czekanski, correct
 Mr. Liston, we may grant the variance to reduce the size of lot, doesn't mean we are granting right to develop the lot with more variances.
 Mr. Krasky, depending on how important the lot is to the developer, what could they put on it
 Mr. Liston, don't have an answer
 Mr. Czekanski, if you don't grant variance, application can not go forward, can't approve
 Mr. Liston, right
 Mr. Barron, can we put a stipulation in that any future development of Lot 4 would have to need no , they couldn't come up for a variance, It would have to meet all the codes
 Mr. Liston, we can put that in as a condition, yes
 Mr. Vaccaro called for a motion.
 Mr. Czekanski, I will move it
 Mr. Krasky, second
 Mr. Barron, are we going to put that no variance stipulation for Lot 4
 Mr. Liston, yes
 Mr. Czekanski, would this be subject to Mr. Yodakis's letter citing all of the variances that have been requested, I would like to have an updated letter
 Mr. Liston, correct, I could work with Mr. Yodakis on that.
 Motion to approve by Mr. Czekanski, seconded by Mr. Krasky
 Roll Call: Mr. Czekanski-yes, Mr. Krasky-yes, Chairman Vaccaro-yes
 Messrs. Barron-yes, Trutkoff-yes, Borowski-yes

ADMINISTRATIVE SESSION:

Motion to approve August 2, 2010 Regular Meeting Minutes by, Mr. Barron, seconded by Mr. Borowski
 Roll Call: Mr. Barron-yes, Mr. Borowski-yes, Chairman Vaccaro-yes
 Messrs. Trutkoff-yes, Czekanski-yes, Krasky-yes

PAYMENT OF BILLS:

From August 2010

Mr. Borowski, submitted bill report.

	Escrow	General Matters	Hov/Stav	Perlmutter
T & M Assoc.				
7737		348.50		
7741	294.00			
Liston				
86136	405.00	472.50		
Total	\$ 699.00	\$ 821.00		

Motion made to pay bills by Mr. Barron seconded by Mr. Trutkoff
 Roll Call: Mr. Barron-yes, Mr. Trutkoff-yes, Chairperson Vaccaro-yes
 Messrs. Czekanski-yes, Krasky-yes, Borowski-yes

PROFESSIONAL REPORTS:

None

PUBLIC PORTION

None

MOTION TO ADJOURN by Chariman Vaccaro, seconded by Mr. Czekanski

ALL IN FAVOR
NONE OPPOSED

ADJOURNMENT:
Meeting Adjourned 8:50 P.M.

Respectfully Submitted

Marianne Borthwick
Secretary to the Board