

**Mannington Township Planning Board
Regular Meeting
July 13, 2023**

Present:

Donald Asay, Kenneth Dunham , Donald Richman, Nicholas Culver, John Sakewicz, Michael Colletti, Gaynel Schneeman, Robert Schmid, Corey Gaskill and Michael Aimino

Absent:

David Cadwallader, William DeCinque, Richard Eber, Jessica Lynne Winkers, Dory Emel, Carl Gaskill, and Michael Sullivan

The meeting was called to order at 7:01 PM by Rebecca Gower Ferguson, Secretary. The Sunshine Law Statement was read. The Pledge of Allegiance to the Flag of the United States of America was recited. Roll Call was taken to justify that there was a quorum in attendance. The secretary of the planning board has given adequate notice of the meeting.

Correction to the June minutes. Gaynel Schneeman was not in attendance at the last meeting. Dory Emel was in attendance. Dory Emel's initials should be reflected in the Roll Call votes where G.S. is indicated.

Donald Asay made a motion to approve the June 2023 minutes with the correction noted above. Kenneth Dunham seconded the motion. All in Favor.

Block 23, Lot 12
655 Kings Highway, Mannington
Resolution 08-2023 DePalma Minor Subdivision

Donald Asay made a motion to approve the resolution. Michael Colletti seconded the motion.
Roll call vote.
YES: D.A., M.C., R.S.
NO: (none)
Abstain: (none)

RESOLUTION 08 - 2023
OF THE COMBINED PLANNING/ZONING BOARD OF THE TOWNSHIP OF
MANNINGTON REGARDING AN APPLICATION OF FEDELE J. AND KRISTEN R.
DEPALMA , GRANTING MINOR SUBDIVISION APPROVAL AND BULK VARIANCE
APPROVALS FOR PROPERTY DESIGNATED AS BLOCK 23, LOT 12 COMMONLY
KNOWN AS 655 KINGS HIGHWAY

WHEREAS, an application has been submitted by Fedele J. and Kristen R. DePalma, (hereinafter "Applicant" or "DePalma") 102 Danton Lane, Mullica Hill, New Jersey 08062, for a Minor Subdivision Approval and Bulk Variance Approvals for property known as Block 23, Lot 12 on the Tax Map of the Township of Mannington, commonly known as 655 Kings Highway, Mannington, New Jersey 08079, which property is owned by the Applicants; and

WHEREAS, the Applicant has given legal Notice as required by and in accordance with N.J.S.A. 40:55D-12, by serving proper Notice to property owners within 200 feet of the site, serving Notice on all required governmental agencies and public utilities and by publishing a proper Notice in the newspaper, all at least ten (10) days prior to the hearing; and

WHEREAS, the application was deemed complete by the Mannington Township Planning/Zoning Board, by vote of (6) in favor and zero (0) opposed and no abstentions, at its meeting on June 8, 2023. No waivers were required or granted.

WHEREAS, in support of the application the Applicant has submitted the following documents:

1. Minor Subdivision Application, Variance Application, Affidavit of Ownership & Authorization, dated May 11, 2023; and
2. Statement of Taxes Paid, dated May 1, 2023; and
3. 200 Foot Ownership List, dated May 2, 2023; and

4. Notice of Hearing, Checklists A & C with Witness List; and
5. Waiver Request prepared by Land Engineering, LLC, dated March 24, 2023; and
6. Minor Subdivision Plan, prepared by Land Engineering, LLC, 84 E. Grant Street, Suite 1, Woodstown, New Jersey 08098 and signed and sealed by James A. Clancy, PE, PLS, dated March 24, 2023.

WHEREAS, the Combined Planning/Zoning Board of the Township of Mannington has made its determination in this matter based on the following:

1. The documents set forth above; and
2. The representations made by the Applicant in its application and by the Applicant, Fedele DePalma III, the Applicant's son, Fedele DePalma and the Applicant's Attorney, Frank J. Hoerst, III, Esq., at the time of the hearing before the Board on June 8, 2023; and
3. Letter from the Combined Planning/Zoning Board Engineer, Corey Ronald Gaskill, PE, CME, dated June 1, 2023, a copy of which is incorporated and made a part of this resolution by way of reference; and
4. Comments made by the Combined Planning/Zoning Board Engineer, Corey Ronald Gaskill, PE, CME, at the time of the hearing on June 8, 2023; and
5. At the time of the hearing, no one from the public spoke.

WHEREAS, based upon the testimony and information provided at the time of the hearing and in the application, and as set forth above and throughout this Resolution, as well as the advice and reports of the Board's professionals, the

Combined Planning/Zoning Board of Mannington Township, makes the following findings of fact and conclusions of law:

1. The Applicant proposes a minor subdivision whereby Block 23, Lot 12 will be divided into two (2) lots. The original lot will remain as Lot 12 and the newly created lot is to be designated Lot 12.01. Lot 12 will be approximately 82.7 acres and Lot 12.01 will be approximately 4.34 acres. Lot 12 is currently in the Agricultural Zoning District.

2. The Applicant seeks Bulk Variances for two (2) existing conditions which will remain on Lot 12, as follows:

A. An existing block building is located 24.7 feet from the right of way of Kings Highway where 75 feet is required.

B. An existing frame barn is located 49.6 feet from the right of way of Kings Highway where 75 feet is required.

3. The pre-existing non-conformities are in no way expanded as a result of the proposed subdivision. They cannot be corrected short of tearing down or moving buildings.

4. The Applicant's Attorney, Frank J. Hoerst, III, Esq., gave the JLUB an overview of the relief requested. The Minor Subdivision application seeks to take a portion of Lot 12 and create a new Lot 12.01. The Applicants' son, Fedele DePalma has plans to build a single family home on the newly created lot. Mr. Hoerst noted the two (2) non-conformities that will remain on Lot 12. The Applicant seeks Bulk Variances for these two conditions, both of which are pre-existing non-conforming conditions and both of which are not made any worse by reason of the requested minor subdivision. Mr.

Hoerst noted that the plan was to perfect the subdivision by way of Deeds. The Deeds and Legal Descriptions will be forwarded to the Board's professionals for review.

5. In reviewing the letter provided by the Board's Engineer, the Applicant agreed to the following conditions of approval:

A. Applicant will revise the plans to reflect that the home will be no higher than 35 feet in height; and

B. A north arrow will be added to the plan; and

C. A point of beginning for each lot will be provided on the plan; and

D. A letter will be provided by the Applicant's Professional Engineer addressing the concerns laid out in Mr. Gaskill's letter, Page 2, Paragraph 5, a through d.

6. The Board determined that the two non-conformities were pre-existing conditions that cannot be corrected without the significant hardship of either tearing down or moving the existing block building and/or frame barn. The Board further determined that the benefits of granting the variances outweighed any potential negative impact, of which the Board finds there is no negative impact, and that the granting of the variances would not substantially impair the zoning ordinance or the master plan. Thus the Board granted the variances pursuant to the provisions of both N.J.S.A 40:55D-70c (1) & (2).

7. The Board determined that the Applicant had met all the requirements for the granting of the Minor Subdivision Approval, that the development was in keeping with sound planning, was in accordance with the Municipal Land Use Law and Township Ordinances, when considering the agreements, relief and improvements to be made in connection with this development.

WHEREAS, upon motion duly made and seconded to Grant the “Application for Land Development” for Minor Subdivision Approval and Bulk Variance Approval, the Board, by a vote of 6 in favor, 0 opposed and 0 abstentions, (Voting for: Assay, DeCinque, Eber, Colletti, Schmid and Emel), voted to **GRANT** the application.

NOW, THEREFORE, BE IT RESOLVED, by the Combined Planning/Zoning Board of the Township of Mannington, the application of Fedele J. and Kristen R. DePalma, 102 Danton Lane, Mullica Hill, New Jersey 08062, requesting Minor Subdivision Approval and Bulk Variance Approval for property designated as Block 23, Lot 12, and commonly known as 655 Kings Highway, Mannington, New Jersey 08079, is hereby **GRANTED** subject to and conditioned upon the testimony, submitted plans, representations and stipulations of the Applicant and their professionals and witnesses at the time of the hearing and in their submissions, in the letters of their professionals to the Board and further specifically, subject to the following terms and conditions:

1. Subject to the Applicants complying with and obtaining any and all necessary approvals from any other local, county, state and/or federal government or administrative body having jurisdiction over all or part of this land use development approval, including but not limited to the Salem County Planning Board and the Salem County Health Department; and

2. The Applicant shall comply with all conditions and contingencies contained herein and shall also comply with all of the requirements of the MLUL during all phases of the Project. The Applicant shall pay all escrows, costs and professional fees associated with the application within thirty (30) days; and

3. The Board Engineer shall review all plans and amended plans in order to determine compliance with the terms and conditions of the Board's approval. Any shortcomings noted by either shall be addressed to the satisfaction of the professionals before the plans are signed. The applicant shall submit appropriate escrow amounts, as determined by the Board Engineer for inspections; and


4. The Applicant shall comply with all the revisions and modifications requested by the Board's Engineer, Corey Ronald Gaskill, PE, CME, as set forth in his letter dated June 1, 2023, unless otherwise modified or noted herein; and

5. The Applicant shall submit all deeds, plats and/or legal descriptions for review and approval by the Board Engineer and Solicitor, prior to filing and thereafter shall be executed and filed with the County Clerk of the County of Salem at the expense of the Applicants with copies, after recording, to be supplied to the Combine Planning/Zoning Board of Mannington Township; and

6. Pursuant to the provisions of the Municipal Land Use Law (MLUL), including but not limited to N.J.S.A. 40:55D-18 which is incorporated into this resolution by way of reference, Mannington Township shall be entitled to enforce this resolution as contemplated under the MLUL; and

7. Applicant shall: (a) revise the plans to reflect that the home will be no higher than 35 feet in height; and (b) add a north arrow to the plan; and (c) provide a point of beginning for each lot will on the plan; and (d) provide a letter from the Applicant's Professional Engineer addressing the concerns laid out in Mr. Gaskill's letter, Page 2, Paragraph 5, a through d.

THE PLANNING BOARD OF THE
TOWNSHIP OF MANNINGTON


JOHN SAKEWICZ, Chairman

ATTEST:

The foregoing Resolution was a memorialization of action taken at a regular meeting of the Planning/Zoning Board of the Township of Mannington held on the 8th day of June 2023; and such resolution was adopted by the Planning/Zoning Board of the Township of Mannington at a regular meeting held on July 13, 2023, by a vote 3 to approve, 0 to oppose and 0 to abstain.


REBECCA FERGUSON, Secretary

In favor of the resolution:

D.A., M.C., R.S.

Opposed to the resolution:

N/A

Abstained: N/A

Block 51, Lot 15
New Road and Route 45
Completeness Hearing

Kenneth Miller is the solicitor for the Habitat for Humanity project.
James Begin and Sue Ann Leighty were sworn in.

James Begin is the PE working on the project. Sue Ann Leighty, Director, introduced the individuals who will be residing in the home. Enmori Goldberg grew up in a Habitat House.

Cory Gaskill reviewed his letter. The list of homeowners within 200 feet must be provided. The building dimensions must be on the plan.

Gaynel Schneeman made a motion to deem the application complete. Nicholas Culver seconded the motion.

Roll call vote.
YES: D.A., K.D., D.R., J.S., M.C., N.C., G.S. & R.S.
NO: (none)
Abstain: (none)

The applicant will present the application at the August meeting.

Donald Asay and Kenneth Dunham stepped down from the board at this time. This leaves 6 members to vote on the application. The applicant would like to proceed.

Block 60, Lot 4
75 Mannington Mills Road
Completeness Hearing and Application for a Site Plan Waiver

Adam Telsey is the solicitor presenting this Use Variance and Site Plan Waiver Application. David Kitts, Amy Bailey and James Pheiffer were sworn in.

Cory Gaskill reviewed his letter.

Michael Colletti made a motion to deem the application complete. Donald Richman seconded the motion.

Roll call vote.
YES: D.R., J.S., M.C., N.C., G.S. & R.S.
NO: (none)
Abstain: (none)

Donald Richman made a motion to approve the application for a Use Variance and Site Plan Waiver. Michael Colletti seconded the motion.

Adam Telsey provided an overview of the plan. This is an existing building with a third party tenant. This will be used for storage for dry goods. The applicant had been unaware that they needed to come before the board. There is no change to the facility itself. The

was an empty building. The Use Variance is needed because it is in an industrial zone and this use is not permitted. Additionally, the zoning does not allow multiple principal uses on one lot. The application is not specific to the current tenant.

Adam Telsey outlined the positive criteria in the application. It keeps the property utilized and there is no impact to the property neighbors and the community at large. David Kitts, retired contractor for Mannington Mills, is working on this project. He described the history of the building. This only impacts the interior of the building. The anticipated truck traffic is much less than that which had been previously used by Mannington Mills.

There was some discussion regarding the railroad and its proximity, which is not related to the application.

Signage was not discussed and is not planned.

The meeting was opened to the public.

Donald Asay suggested that the variance be granted for the entire building, not just the currently utilized portion. He also stated that the rail cars are on the right of way located on the property.

The meeting was closed to the public.

Robert Schmit asked if the space would include refrigerated areas or repackaging.

No products will be repackaged on site. There will not be refrigerated items.

Roll call vote.

YES: D.R., J.S., M.C., N.C., G.S. & R.S.

NO: (none)

Abstain: (none)

Donald Asay and Kenneth Dunham returned to the board at this time.

The Reexamination Priorities Report was reviewed. The Reexamination Report will be ready to be voted on at the September meeting.

The planning board meeting was open to the public.

The planning board meeting was closed to the public.

The meeting was adjourned at 8:07 PM.

Respectfully Submitted,

Rebecca Gower Ferguson
Planning Board Secretary