

**MEETING MINUTES OF THE JOINT LAND USE BOARD
THURSDAY, APRIL 4, 2024.**

THE REGULAR MEETING OF THE JOINT LAND USE BOARD OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD APRIL 4, 2024, AT THE MANVILLE MUNICIPAL MEETING ROOM AT 6:30 P.M.

Chairman Powers called the meeting to order at 6:30 p.m. and the Secretary read the Open Public Meetings act.

III. SALUTE TO THE FLAG

Everyone present participated in the Salute to the Flag.

IV. ROLL CALL

Chairman Jim Powers - Present
Vice-Chair Amanda Gorbatuk - Present
Mayor Richard Onderko – Absent
Bob Kojko – Present
Gilbert Lorenzo – Absent
Ted Camacho – Absent
Councilwoman Dayna Camacho – Present
John Bentz – Absent
Matthew Brown – Present

Also Present:

Matt Flynn - Board Attorney
Joseph Brosnan - Borough Engineer

V. PUBLIC PORTION

Chairman Powers noted that since there was nobody present from the public the meeting would proceed to the next portion.

VI. APPROVAL OF MINUTES

Upon motion of Chairman Powers, seconded by Vice-chair Gorbatuk, the Minutes of the Meeting of March 7, 2024 were approved upon a roll call.

ROLL CALL: **AYES:** POWERS, GORBATUK, KOJKO, D. CAMACHO
 ABSTAIN: BROWN
 ABSENT: ONDERKO, LORENZO, T. CAMACHO, BENTZ

VII. MASTER PLAN PUBLIC HEARING

The introduction of the Master Plan began next. Powers and Gorbatuk read verbatim.

Chairman Powers

“The New Jersey Municipal Land Use Law (M.L.U.L., Chapter 291, Laws of New Jersey 1975) requires that every municipality in the State of New Jersey that has adopted a Master Plan and Land Development Regulations to periodically review and revise, if necessary, those documents every ten years (N.J.S.A. 40:55D-89). The last revision to the Borough of Manville’s Master Plan was in 2019 as a Re-Examination of the Master Plan. The purpose of this report is to present a comprehensive overview of the Borough changes in land use policy since the 2019 Re-Examination Report and represents the Boroughs ongoing efforts to continuously monitor and adapt to changing conditions in and around the Borough pertaining to land use. In addition, this document includes sub-reports on Land Use, Circulation, and Stormwater Management, each with specific recommendations. All aspects of this report are based on a review of the existing conditions within the Borough of Manville, land use law requirements established as part of N.J.S.A. 40:55D-1 et. seq, and the following planning documents”

Vice-chair Gorbatuk

“Normally, Master Plans and their respective elements are really difficult and tedious for the average person to read, while the rest of the document needs to be written a certain way to cover the legal aspects of planning. If you’re unfamiliar, a “Master Plan” is more or less the vision of the municipality (in this case, the Borough of Manville), and it needs to be updated every 10 years or so. It is not a document that contains law and rules or shovel-ready designs, but instead provides the path that the governing body should take to make for the most beneficial future for the overall health of the Borough, taking into consideration all manner of things from flooding to traffic to housing to business development. The rest of this document is cut into specific sections. The first section is the “Re-Examination” of the Master Plan. It is a very cut and dry document that is mostly a legal checklist showing what was reviewed and what is recommended. We needed to submit this document to bring Manville up to speed with all of the recent changes in regulations, such as the new requirements for locating places for electric vehicles in the Borough. In most municipalities, this is as far as the process legally needs to go. However, in Manville we identified some problems and opportunities to make things better, so we included some additional sections with very specific, Council-Ready ordinances. Here is a brief summary:

Stormwater Management: Manville’s flooding is one of the worst in all of New Jersey. Because of where the Millstone and Raritan Rivers meet, as well as the Royce Brook from Hillsborough, the Lost Valley sees flooding much greater than the surrounding areas. This is made worse by blockages to flooding such as the floodwall in Bound Brook and by increased development upstream which sends more water downhill (to Manville). There is a Stormwater Master Plan element that hasn’t been updated in many years, so my team worked to make an update for this. Long term, Manville will need to establish some sort of stormwater-specific utility

department to keep its pipes and inlets operating properly, but for now, identifying that should be sufficient.

Circulation: Trucks and Parking are two major issues that have existed for over 20 years since the previous Master Plan was written. There was an independent truck study that establishes a route through the Borough which is being address by Council and the New Jersey Department of Transportation to address some of this. But additional concerns, such as lack of movement in and out of the Lost Valley, the low-clearance bridge on South Main Street and the Norfolk Southern Railway should have some development in the future. To address parking, my team recommends a combination of changing additional roads to one-way to increase on-street parking and to use areas such as the Rustic Mall, if possible, to provide additional places to park. It was noted that there are a lot of bikers in Manville during our investigations, so we also put together a plan that accommodates previous planning efforts as a starter to a proper bike route in Manville.

Land Use: Zoning in Manville is very confusing for both the Land Use Board and for the residents. There are several residential zones that have specific setback and lot size configurations, but it is no longer possible to subdivide Manville anymore – it is beyond 100% built out baring a few isolated lots that are undersized. Also, there is no zone for municipal facilities such as parks, the DPW building, etc. So a revision to the Zoning Map and Zoning Ordinance is also recommended.”

Vice-chair Gorbaturk then turned the presentation over to Engineer Brosnan.

Engineer Brosnan took the floor. Engineer Brosnan read through the documents that were reviewed to build this new Master Plan. They are the original Master Plan for Manville, dated August 24th, 1994, the Main Street Road Safety Audit that gave rise to the Main Street improvement plans, the last re-examination of the Master Plan from 2015, re-examination from 2019, the Bicycle Network Plan, which was co-opted by Rutgers and the Voorhees Transportation Department and the Rehabilitation Plan for South Main Street Redevelopment Plan and all the Master Plans of neighboring municipalities.

Engineer acknowledged that there had been many informal introductions of said plan prior to tonight, but that a lot of this report was necessitated by things that needed to be brought up to speed since the last re-examination in 2019, some are administrative, such as electric vehicle charging stations which are mandated by the state and included in this plan are locations where they could do. These locations are non-binding and currently, we comply with the state as long as we show possible locations where said chargers could be installed. Next were storm water management issues and Engineer Brosnan directed the board to look at his presentation and a photo which was captured through a fly over the day after Ida, before the water receded. All the areas where Manville flooded were clearly visible in this photograph. He also wanted the Board to look at the Flood Map, created by Cleighton Smith from TaylorWiseman + Smith, who is Borough’s Flood Plain Administrator. Engineer Brosnan wanted the Board to notice, the photo and Smith’s maps which incorporated the 500 year plan matched. Engineer Brosnan then asked the Board to turn to page 23 to follow along as he goes over the recommendations:

1. The existing Stormwater Management Plan has not been updated in several years. In consideration to the changes in regulations since its initial implementation, it is strongly suggested that the current Stormwater Management Plan, Stormwater Control Ordinance, and associated policies be reviewed, revised, and subsequently adopted by the governing body.
2. There have been many prior attempts to establish more pedestrian-friendly and bicycle-friendly routes throughout the Borough of Manville, including the 2020 Bicycle Network Map. Understanding that there are many issues with truck circulation and there are still issues with parking despite the establishment of the Rehabilitation Plan for South Main Street in 2022, it is strongly recommended that the Circulation Plan be revised to account for these changes.
3. The existing Land Use Plan should be reevaluated and the governing body should enact revisions to the zoning ordinance in accordance with any updated recommendations such an update Land Use Plan would include (see Section VII below)
4. The Borough of Manville should begin preparation and review of the upcoming changes to Affordable Housing within the State of New Jersey and start the development of a new Housing Plan that accounts for population loss from the Lost Valley and encourage the siting of new areas of redevelopment for consideration of the governing body.
5. Manville should continue to examine and evaluate land use patterns within the Borough and regionally to ensure its zoning ordinances and associated plans remain in conformance with current trends
6. Manville is nearing its 100th year of existence as a distinct municipal entity. It is strongly considered that a grand revisioning session be held in the coming years in advance of this centennial anniversary to capitalize on public excitement and involvement.

Engineer Brosnan noted redevelopment plans were also looked at, specifically the Rustic Mall and South Main St.

Rustic Mall Site: The Rustic Mall is located in the center of Manville and previously had a Redevelopment Plan with a Developers agreement until approximately 2016 when stagnant negotiations were terminated. The area is unoccupied and unused, except for the temporary storage of vehicles and materials, as it has remained since the early 2000s. The Board has not yet finalized any actions to be taken for the site in question.

South Main Street: In 2022, a Rehabilitation Plan recommended a numerous set of different strategies for new zoning practices for the area south of the Norfolk Southern bridge over South Main Street to approximately the Royce Brook. To date, no major action has utilized the plan o reconstruct or similarly rehabilitate property in the subject area. It is noted that the Rustic Mall is adjacent to these parcels. Per the recommendations of Section VI and Section VII of this report, there may be need to revise a few sections of this plan pertaining to zoning and circulation.

Also, the South Main St redevelopment and rehabilitation plan is a plan which many people still don't realize exists. One problem with it though, is it bans all truck usage and since that's the only route trucks can go, the language needs to be amended. Also, it recommends bikes on

Main Street, which is one of the most dangerous streets in Manville. A solution to that recommendation coincides with the bike parcel, which is a part of the new plan.

Engineer Brosnan moved onto the Stormwater Master Plan.

Engineer Brosnan noted the storm water master plan also consists of requirements from the NJDEP and the MS4 Permit. Engineer Brosnan then showed the Board a map of the water shed loads throughout the Borough of Manville. Among the recommendations in the report, Engineer Brosnan believes the most important of all is that the Storm Water Control ordinance be revised and attachment one in The Master Plan needs to be submitted to Borough Council and that includes the updates for the MS4.

Goals and objectives of the new Master Plan were to change the perspective of existing goals and reprioritize them in terms of three different tiers of approach.

1. Manville should take efforts to manage and maintain its own contribution to the greater watershed, including reducing local flood damage to life and property and minimizing pollutants in stormwater runoff from new and existing local developments to restore, enhance, and maintain the chemical, physical and biological integrity of the local water course and encourage groundwater recharge and at a local level.

Engineer Brosnan wanted it known that those ideas come at a local level, but based on Manville's map, that is not how storm water is most prevalent in Mainville.

2. Manville should advocate for better watershed management to its upstream and downstream neighbors and facilitate their efforts to mutually improve Manville's continued interaction with flooding and stormwater management on a water quality basis to minimize pollutants and enhance ecological health on a regional scale.

Engineer Brosnan emphasized Manville should also advocate for better watershed management to it's upstream and downstream neighbors, specifically Hillsborough and Bound Brook.

3. Manville should participate in state-wide and nation-wide discussions affecting stormwater to ensure a better future for Manville as well as all low-lying riverine communities world-wide.

Engineer Brosnan believes Manville could be the fastest developing watershed, possibly in the world and the things that happen in Manville could be seen as case studies worldwide. Thus, it's important to take these things seriously and talk them out.

That said, Engineer Brosnan had some storm water recommendations and went over them.

1. The Borough Council should adopt the revised attached ordinances pertaining to stormwater management to remain in compliance with the NJDEP MS4 Permit requirements as well as the Inland Flood Protection Rules as per the revisions to N.J.A.C. 7:8. (Attachment 1)
2. Any revisions to the municipal zoning should account for and permit as an acceptable use, small scale stormwater management infrastructure for the purposes of mitigating stormwater at a local scale and consider amending the impervious coverage threshold or enforceable definition for nonmajor developments.
3. The Borough should continue to pursue regional grants and maintain county-wide coordination regarding and pertaining to stormwater management, such as the I-Bank programs and disaster related recovery programs.

Engineer Brosnan then moved onto the next topic - Circulation.

Some of the circulation recommendations

1. Look for potential grants, for example to raise the bridge or at least provide additionally ways to the Lost Valley.
2. One way could be the bicycle network route
3. Little things; adopting a complete streets program. Currently, Manville only applies for NJDOT grants when required.

It's also noted that there are a lot of issues with parking for the Borough and Engineer Brosnan included the following suggestions.

1. Convert certain streets in Manville to one-way streets, opening parking on both sides.
2. He also strongly suggested areas with vacant land be permissible for parking.

Finally, the last topic discussed was Zoning and Engineer Brosnan explained the following:

Engineer Brosnan pointed out that Manville's current Zoning does not make sense anymore and thus the proposed changes, help make it make sense. The main change is to merge all the Residential Zones, into just One Residential Zone. This would then make the determination of what a property can and cannot do dependent on the property's lot size, opposed to its location. A breakdown of the new proposed Zoning was further explained.

"The Borough of Manville should revise and simplify its zoning map and ordinance for the ease of review and implementation by Borough staff by:

- a. Consolidating all residential uses into a single zone. This will have benefit of standardize the development infill condition, wherein the remaining developable parcels within Manville are mis-sized for their zones per the current zoning map;
- b. Including provisions for a municipally beneficial zone which would include municipal buildings, fire and police buildings, department of public works buildings, areas in need of redevelopment,

and park space. Any otherwise un-developable land that could still have use to the municipality should be included in this zone, or similarly included to denote its lack of use for private development.

- c. Standardizing impervious coverage requirements.
- d. Adopting the Proposed Zoning Ordinance as noted in Attachment 3.
- e. Adopting the Proposed Zoning Map as noted in Attachment 4”

Chairman Powers asked Engineer to confirm that property setbacks would still be determined by the lot size. Engineer Brosnan responded “Absolutely.” Engineer Brosnan added that the third page from the back of the proposal is the new bulk schedule in which you can find your setbacks. He noted, the only change is that impervious coverage was made 40 percent on all residential lots. The ambiguity of the term impervious coverage has changed over the years and different Zoning Officials determine things differently, thus 40 percent should be enough of a buffer that no matter where you are in a residential zone, that number is applicable.

Engineer Brosnan asked if there were any further questions. Board member Brown asked why the VFW was classified as Municipal in the new proposal. Engineer Brosnan replied that “they were determined to be a community asset” and that it was similar to the Board of Education. He added that the Board “should look at the new proposal, not by who owns the building, but rather, what is the purpose of the building.”

Board member Brown followed up with one more question to something Engineer Brosnan said specifically regarding Manville and Stormwater Management. He asked that if the Board were to go ahead and nominate someone educated and articulate in the matter, such as Engineer Brosnan, what platform could the Board leverage to get Engineer Brosnan heard at a state or federal level. Engineer Brosnan replied that he did not see that coming and that he was not sure, but that he was up for any ideas. Attorney Flynn added that question should be directed more towards the Mayor and Council, as to where they want to send consultants too, but if the Board adopts the plan, it is well within their scope to send a recommendation to the Council as such.

There were no more questions for Engineer Brosnan and it was then noted from Chairman Powers, that Susan Bristol from the Watershed Institute sent a last-minute email and requested some time to review the document. The email was sent at 4:56pm on 4/4/24. Attorney Flynn commented that the plan had been sufficiently noticed through the papers, websites and neighboring municipalities, thus he advised the Board, that it was well within their authority to approve the plan tonight, if deemed adequate. He noted amendments can always happen later.

Chairman Powers made a motion to approve the Re-evaluation of the Master Plan and move it to Council. Vice-chair Gorbatuk seconded. Secretary Feaster took a roll call.

ROLL CALL: **AYES:** POWERS, GORBATUK, KOJKO, D. CAMACHO, BROWN
 ABSENT: ONDERKO, LORENZO, T. CAMACHO, BENTZ

VIII. EXECUTIVE SESSION

Chairman Powers made a motion for the Board to enter Executive Session.
All in Favor: Unanimously Ayes

The Board entered Executive Session at 7:23pm

The Board returned from Executive Session at 7:48pm

IX. COMMENTS BY BOARD MEMBERS

Chairman Powers asked the Board if anyone had comments. Vice-Chair Gorbatuk just wanted to remind the Board that their Financial Disclosures were due by that upcoming Monday April 4th.

There were no more comments. Chairman Powers made a motion to adjourn. All were in favor and stated aye. The meeting adjourned at 7:51pm.