

Township of Manalapan

Department of Planning & Zoning

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Planning Board Minutes

August 8, 2019

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:34 p.m. followed by the salute to the flag.

Roll Call: Secretary, Daria D'Agostino

In attendance at the meeting: John Castronovo, Todd Brown, Alan Ginsberg, Daria D'Agostino, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Richard Hogan (joined the dais at 7:40), Barry Fisher, Steven Kastell

Absent from the meeting: David Kane

Also present: Ronald Cucchiaro, Planning Board Attorney
Brian Boccanfuso, Planning Board Engineer
Jennifer Beahm, Planning Board Planner
Lisa Urso-Nosseir, Recording Secretary

Mr. Cucchiaro swore in Jennifer Beahm, Professional Planner and Brian Boccanfuso, Professional Engineer.

Minutes:

A Motion was made by Ms. D'Agostino, Seconded by Mr. Brown to approve the Minutes of July 25, 2019 as written.

Yes: Castronovo, Brown, Ginsberg, D'Agostino, Kwaak, McNaboe, Jacobson, Kastell

No: None

Absent: Kane

Abstain: None
Not Eligible: Hogan, Fisher

Applications:

Mr. Cucchiaro stated that application PPM1823 - Countryside Developers had originally been carried to August 8, 2019. The applicant has asked to be carried again until the August 22, 2019 meeting. There will be no further notice to property owners.

**PAS1930 ~ Benbrooke Galleria Partners, LP
100 HWY 9 ~ Block 1702 / Lot 51.01
Amended Final Site Plan**

Alan Ginsberg asked to be recused from this application and left the dais.

Robert Munoz, Esq. represented the applicant this evening. He explained that they are appearing before the Board for a parking variance. The Galleria was approved in 1986 and has remained pretty much in the state that it was in from that time. Shopping centers have evolved and changed since the 1980s, a lot of shopping is now done on-line. The original approval called for a supermarket in shopping centers like this, and this would not be a reality today. Mixes of uses have changed over the years therefore parking requirements have been amended.

Mr. Munoz gave a background of why they were appearing before the Board tonight. A new tenant, Squat Academy, received their Certificate of Occupancy and their occupancy pushed the center's parking requirements. Permission to occupy was granted, provided they make an application for a variance. The site itself has 194 spaces, however today based on the mix of the uses, they would require 284 spaces. The parking is significantly under-utilized, and they can accommodate the uses.

Mr. Cucchiaro swore in Michelle Briehof, Traffic Engineer and Project Manager at Maser Consulting. She is a licensed professional engineer in the State of New Jersey. Mr. Briehof introduced Exhibit A1, an aerial exhibit of the Galleria, as well handed out 11" x 17" handouts to the Board. She explained that access to the site is provided via separate ingress and egress driveways. The site is developed with a 38,247 sq ft shopping center and 194 parking spaces. Due to the mixed tenants such as restaurants and services, a parking variance is needed.

Ms. Briehof continued with Exhibit A2, which shows a close up of the shopping center and the existing parking fields. We are not proposing any modifications to the existing parking configuration, it will stay as it is today. We are

demonstrating that we have sufficient parking in the shopping center. We did a parking assessment and we conducted the parking counts in April, which was after the Squat Academy opened. Exhibit A3 shows a breakdown of the parking assessment. What they found from the data they collected was that the maximum observed parking demand was 113 spaces, or 58% occupied. We accounted for the new tenant, Squat Academy, which would require 119 spaces, still leaving them at only 61% occupied.

Ms. Briehof described the site. To the south of the site is the Manalapan Diner, to the east is Monmouth Heights development. There is a wetlands buffer between their site and Monmouth Heights. There is no developable land in the vicinity of their site to expand.

Ms. Beahm asked Ms. Briehof if this is a C2 variance. Ms. Briehof said we conducted the counts and the site was about 95% occupied, there is a small vacancy, so this was a very realistic glimpse of the site. There is more than adequate parking.

Mr. Boccanfuso said the traffic report speaks for itself. Based on his discussion with Ms. Briehof earlier, they were initially planning on preparing the traffic study under the assumption that the Squat Academy was not yet open and the intent was to show there was sufficient parking for when that use opened. Upon performing the study, they realized that it was in fact open. It is rather clear that there is sufficient parking on site to support the existing and proposed uses in addition to the vacant space. Mr. Boccanfuso asked Ms. Briehof to explain her calculations for 284 spaces. Ms. Briehof said she used the shopping center ordinance requirement, which is 5 per 1,000 sq ft, which would yield 194 spaces, which we are providing. However, since we now fall out of that 25% retail requirement, we now have to look at the uses separately and understand how each of the parking requirements plays a factor into the overall parking requirement. She referred to Exhibit A3 and she consulted with the zoning officer to confirm the numbers. Mr. Boccanfuso asked for confirmation that the 194 spaces are not all located in the front central portion, correct? Ms. Briehof said most of the spaces are in the front parking field, however we do have some spaces that are located along the northern portion of the building and some spaces in the rear for employees.

Chief Hogan asked Mr. Munoz if he reviewed the original Resolution from the 1980s when the site was approved? Mr. Munoz said yes. Chief Hogan asked if there was anything in the Resolution regarding land banking? Mr. Munoz said back then, that wasn't something we were doing at that time. Chief Hogan asked about the area behind the diner, shaped like a triangle. Are the diner employees

parking in that area, is it paved? Mr. Briehof said it is a gravel area. Mr. Munoz said we will speak to the diner and ask them not to use that area.

Mr. McNaboe said last year he met with representatives of this center when they came forward and talked about whether or not they had to come before the Board. We did ask them if they thought about doing a cross easement. Was any follow up done regarding this matter? Mr. Munoz said the elevation there is different. Mr. Briehof said there may be options for a cross access easement. It would impact the parking to our site as well as the parking for the diner. Both sites would have to come to an agreement. The bank and the gas station currently do provide that cross assess. Mr. Cucchiaro asked if this is something the applicant is willing to explore with the diner? Mr. McNaboe said the dumpsters and recycling bins cannot be in the area that isn't marked, but then calling them parking spaces. Mr. Niven said we will explore this matter. Ms. Beahm said that Mr. Munoz's statement regarding the elevation being difficult is hard for the Board to ascertain based upon what was submitted with the application, which is an 8 ½" x 11" plan that is old - it has no topo, it is very difficult for us to figure it out. Mr. McNaboe said we have a vested interest in this center surviving as well. It is not unreasonable that after 34 years you come back before the Board. We have this opportunity to explore the easement.

Mr. Cucchiaro swore in David Niven, managing agent of the Galleria for over 10 years. Mr. McNaboe asked what they are currently doing for trash pick-up? Mr. Niven said currently each tenant is responsible for their own dumpster by lease. Ms. Beahm asked where are the dumpsters and Mr. Niven said they are along the back of the center. Ms. Beahm asked if they were in an enclosure and Mr. Niven said there is a small area directly behind the center. He pointed on the Exhibit board to where a few dumpsters are kept in the back. He said Shower Man has an enclosure on the south side. Ms. Beahm explained that if the dumpster is in a parking space, then you cannot count it as a parking space. Ms. Beahm said we received a plan that depicts 194 parking spaces, but a number of those spaces are being used for dumpsters; how many dumpsters are taking up how many parking spaces? The variance is based upon the availability of parking and if you are using those spots for dumpsters, then they are not parking spaces. Mr. Niven said the tenants are doing it on their own this is not authorized. Ms. Beahm asked is there a designated area for them to put the dumpsters? Mr. Cucchiaro explained that if the dumpsters are taking up parking spaces, you will need another level of relief. If a parking space exists, but it is being used for a dumpster, it cannot be counted as a parking space. You need to adjust the total number of parking spaces that is actually on the site. Mr. McNaboe asked Mr. Nivens if he was satisfied by reducing five spaces, bringing the total to 189. Ms. Beahm said the only thing that was submitted was a 20 year old site plan that is difficult to read and we really don't know where the dumpsters are sitting. Are

there 18 dumpsters, one for each tenant? Mr. Niven said some tenants share a dumpster.

Mr. Munoz said there seems to be some places where there were supposed to be areas that were open that weren't parking spaces. We will establish a number and we will submit for your approval a plan for the garbage. Mr. Cucchiaro said we will still need to know how many open parking spaces there are. Mr. McNaboe said if you were to ask for those five dumpsters in the middle and go to a single source compaction system and then have the trash picked up more frequently. Mr. McNaboe said when he visited the site, he noticed about a dozen dumpsters around the property, some are right up against the building. He asked Mr. Niven if they recently paved the back and Mr. Niven said yes they did. Mr. McNaboe said there are no markings on the pavement - no fire lanes marked. Mr. Niven said we are under contract to pave the whole parking lot. The project was halted due to this variance and we didn't want to get too far ahead without knowing whether we needed to make changes to the configuration of the parking lot. Mr. Cucchiaro asked with the repaving, is the striping for the stalls going to remain the same? Ms. Briehof said the plan is to have the stalls remain the same.

Mr. Niven said we are considering two alternatives to have the drive lane in the back passable. There could be a shared system where tenants share the dumpsters and thereby reduced the number of dumpsters in the back. Or, we could have designated dumpster areas that are under the landlords control and all the tenants use those two or three dumpsters. We would submit a plan for the Boards' approval. Mr. McNaboe said the cross easement is something that is going to make the center more successful. It would connect the center to Ryan Road directly. It seems the cross easement wasn't discussed or reviewed. Mr. Munoz said we will speak with Manalapan Diner to see if this could work.

Chair Kwaak said the dumpsters were haphazard in the rear area when she visited the site. There is a lot of debris, like old wooden planters and a shed in the rear. Mr. Niven said the shed is being utilized by the pizza place.

Mr. Jacobson said when he observed the site, the back on the north side looks like an alley, not a parking lot. Mr. Castronovo asked if there was any consideration given to redesigning the number of spaces that are currently available in the front to maximize the use? He also asked if on April 13 and 16, 2019 if the weather was fair, or was it raining? Ms. Briehof said typically we do not do our studies if there is inclement weather, therefore to her understanding it was appropriate conditions for a parking assessment. Ms. Briehof said we did not take a look at configuring the parking lot, but she believes the maximum amount of spaces are being used.

Mr. Kastell said there is a paved triangle in the back of your property and there are cars parked there. Is the Manalapan Diner parking on your property? If so, why aren't you using that for more spaces? Ms. Briehof said that is an issue that will be discussed with the diner when they speak about the cross access. Mr. Niven said he has spoken with the diner regarding the use of their lot. The area directly behind the diner is their property; it is not paved or striped, it is just gravel. There is some forced sewer line work being performed in the back, perhaps by the WMUA. Ms. Beahm said there are four spaces there currently, however in order to even get into that area, you would have to eliminate those four spaces. We have setback requirements from the lot lines for parking spaces.

Mr. Boccanfuso said if the applicant is going to develop a refuse management plan, he noted that the 1986 approval did have language in it relative to buffering and landscaping and he encourages the applicant to keep that in mind. There are environmental constraints in the back as well along the brook.

Chair Kwaak opened this application up to the public for comments, but there were none and she closed public.

Mr. Cucchiaro said option one, if the Board grants an approval, would be conditioned upon the applicant exploring the possibility of a cross easement with their neighbor and whatever that would entail. If this was the case, then you would never see it again; you would have given a final approval. If the Board wanted more information or facts about the progress of granting the cross easement, then the application can be carried and the applicant can make these efforts and come back. Or the Board could deny the variance. Mr. McNaboe said he knows retail has changed, and he wants to see the center survive. The idea of carrying this application allows the applicant to come and do some research and report back. Mr. Brown requested an updated site plan as well.

Mr. Cucchiaro announced that application PAS1930 - Benbrooke Galleria Partners will be carried to the September 12, 2019 meeting. There will be no further notice to property owners.

The Board took a five minute recess.

**PPM1441 ~ K. Hovnanian Shore Acquisitions
Four Seasons at Manalapan Brook
Route 33 ~ Block 72 / Lot 6.01
Final Major Subdivision and Final Site Plan**

Peter Licata, Esq. of Sonnenblick, Parker & Selvers represented the applicant. Mr. Ginsberg returned to the dais.

Mr. Licata explained that they appear tonight requesting Final Major Subdivision and Site Plan approval for 101 acre parcel of land into two parcels, about 87 acres of which would comprise 140 detached age-restricted, single family home development with recreational and club house amenities. The balance of site, about 14 acres, is proposed to be dedicated to the Township for future affordable housing development.

Mr. Cucchiaro swore in David Fisher, Professional Planner and Vice President of K. Hovnanian Shore Acquisitions. Mr. Fisher is not testifying as a Planner tonight, he is a fact witness. Mr. Fisher stated that he can verify that there have been no notable or meaningful changes to the layout of the subdivision, grading, design of the project, amenities and lots that have already received Preliminary approval. We have been working since Preliminary approval on other regulatory approvals from other agencies and also on the sewer and water offsite improvements.

Mr. Fisher reminded the Board that they had received Preliminary approval last August for 140 age-restricted, single family homes. There is a dedication of a 14.2 acre parcel along the frontage of the property to the Township for affordable housing purposes. The proposed homes are essentially what was presented at the Preliminary hearing and now we have more definite designs and plans. They are basically a single story ranch elevation and a loft elevation and a range of sq ft, but for each of those model types, we then have at least three different façade forms that create different looks since we are familiar with the Township look-alike ordinance.

Mr. Fisher continued and stated he believes the Board was a bit reluctant to grant Final approval when Preliminary was granted. They have revisiting the issue of solar panels on the clubhouse, and also looking more carefully at the conditions around the former Anderson House structures. We performed a ground penetrating radar investigation around the foundations and did not find any evidence of tanks. They did find a few anomalies, we did 15 test pits around all those anomaly areas and we found essentially nothing, except a piece of a iron pipe. The site is clean and there is no further reason for additional investigation. Jan Zachary attended the radar investigation as well.

Mr. Fisher continued and said they will agree to all the disclosures that are required in the Public Offering Statement relative to the activities at the Boy Scout Camp and prohibiting converting garage space into living and/or storage space. We will install benches along the walking trail. We have agreed to install a backup generator at the clubhouse. We have agreed to provide additional landscape buffering beyond what our plans already show to add some additional evergreen trees along the northwest

border along the Boy Scout Camp and we will put evergreens on their property, should they want that as well.

Mr. Fisher continued that he explored the deceleration lane at the main entrance into the community along Route 33. We were able to include that design in the DOT application, which he is happy to report has been approved.

Mr. Fisher said they have added a sewer connection between two lots to the Boy Scout Camp property which terminates at a manhole, so if a future date they decide that they want to connect to sanitary sewer, it will be ready for them to access.

There are three phases of the plan. We would work from the lower part of the site and then counterclockwise as we install utilities. We do not plan to install all the improvements at one time. As an update on the offsite connection to sewer service, we initially met with the WMUA, they did not want us to build a pump station and they wanted us to connect by gravity to existing gravity mains that exist in the area of Woodward Road and Route 33 down by the Wawa. We examined the conditions and the depth of that manhole and found that in fact we would actually go further to the east to get to a lower manhole for our sewer to be able to flow all the way down to that point by gravity. It was a system we designed and we presented it to the WMUA and their engineer to review. From a functional standpoint, it could work, but it created a number of issues. One of the issues was that close to 80% of the sewer line was extremely deep, over 25' and we would be installing it just next to the state highway on the fronts of properties along Route 33 within a 30' wide easement. Part of that sewer extension would also contain a water main that needs to extend from our entrance East down to Knob Hill where we are being required to connect to the water system at the entrance to Knob Hill. That system has been essentially approved by CME. Therefore the water system is done. However the sewer system was different in that it created some issues for us. Not just from a depth and construction standpoint, as of last December, we were informed, as well at the Township, that there were restrictions on Township owned property that we needed easements from due to Green Acres funding. We would have to apply to the State for diversions to allow for those easements to occur or to be situated on Township property. We met with Green Acres and they told us that they would not be willing to grant those diversions if there were alternatives to the sewer. We had to explore those other alternatives which forced us to go to DOT and see whether we could move the sewer line into the State highway ROW. They had just paved Route 33 and they said no, there is a five year moratorium. They explained that there is a waiver process, but there are very tough restrictions to meet to be granted a waiver to place a deep sewer line within a State highway ROW. We began to explore alternatives to the sewer going back to a pump station design and tying that pump station force main into Knob Hill, not going all the way down Route 33 past the Wawa. We knew the WMUA was reluctant to consider that and we went back and

forth. We provided documented information and all the reasons why they should consider a pump station. In fact, the Western part of the service area was initially designed to be handled by a pump station that would go through Knob Hill to the pump station behind Knob Hill, which is on Daum Road. While we were investigating the pump station option and how we could tie into the Knob Hill sewer system, we not only looked at their utility plans, but then got a hold of their as built plans and found that their sewer design in a particular manhole was lower than we thought. So we sent our engineer out there and verified the depth of the manhole and found that we might be able to get into that manhole by gravity and avoid a pump station altogether. This just happened within the last couple of weeks. As of last Friday, we confirmed that we could design a system that gets into the Knob Hill gravity sewer system without a pump station. The good news is that we are doing what the WMUA wanted and we are avoiding a pump station. We will now be running a 12" main out of our entrance, down Route 33 across part of Knob Hill which is undeveloped and part owned by the Knob Hill Golf Course and then into their entrance to the right across two holes and into the manhole. That manhole is actually designed to service the front part of the Knob Hill property. We are mirroring the approved utility plan for Knob Hill with our alignment. We expect to have meetings with WMUA and get this resolved shortly.

Mr. Cucchiaro said he wanted to confirm Mr. Fisher's earlier testimony that nothing has changed in terms of design, location of buildings, orientation, lot dimensions since Preliminary as a result of the new gravity sewer plan and Mr. Fisher said that is correct.

Mr. Fisher said the question after that was dealing with the dedication to the land to the Township. We cannot create that lot and subdivide it and transfer ownership to the Town until we file our subdivision plat. Our best estimate at this point would be February/March 2020. We anticipate having the balance of our approvals at that time. We will post bonds with the Township and the WMUA and file the map and create the subdivision. We will provide landscape plans and engineering plans for CME's review to verify that all the outstanding conditions of their previous approval letter are met and stormwater requirements. Mr. Fisher said the Township Committee is scheduled to consider a resolution endorsing that water system design at the August 15, 2019 meeting.

Ms. Beahm said Mr. Fisher discussed the fact that they received their DEP permits for the walking trails and they would comply with the look alike requirements. How many of these units are proposing basements? Mr. Fisher said there are 10 homes that will have walk-out basements. Four of them on the Northeastern most cul-de-sac and there are six other lots in a row on Sofia Drive that will have walk-out basements due to grading conditions. Mr. Fisher said the signage will meet the ordinance requirements.

Mr. Boccanfuso said he could confirm that they have done the additional environmental testing that was required. He said the news regarding the sewer will make things easier for all parties. Mr. Boccanfuso said he would work with engineer to develop a phasing plan. All outstanding matters have been addressed satisfactorily.

Mr. McNaboe asked if they are going to tie in at the golf course, does that easement exist already, or do you have to get that from the HOA? Mr. Fisher said we have to get it from the golf course property owner. The only easement we will need will be from the Knob Hill Golf Course, Inc. and we have been in touch with them. Mr. McNaboe asked if they plan on doing open excavation, or can you go under the golf course? Mr. Fisher said we will see what they say, we found a route that doesn't disturb either tee boxes or any greens and if they are willing to do an open cut, we would prefer that. Mr. McNaboe said what about the capacity, now that you have found a new route? Mr. Fisher said that is more of an engineering question, but it is a 12" main, which is much more than what we would need to handle our 140 homes, plus the 100 affordable housing units. We are going to stub out the sewer line at the very southwestern corner of our property within an easement for anyone to connect to. Mr. McNaboe asked if there would be some notification to the owners that the affordable housing units will be under construction? Mr. Fisher said yes, that is a disclosure in our public offering statement that affordable housing is planned for that site.

Chair Kwaak opened the floor to the public for any questions or comments regarding this application. Seeing none, public was closed.

A Motion was made for Planning Board Application PPM1441 for Final Major Subdivision and Final Site Plan approval subject to all conditions under Preliminary approval, was made by Chief Hogan, Seconded by Mr. Fisher.

Yes: Castronovo, Brown, Ginsberg, D'Agostino, Kwaak, McNaboe,
Jacobson, Hogan, Fisher
No: None
Absent: Kane
Abstain: None
Not Eligible: Kastell

Chairwoman Kwaak opened the floor to any non-agenda items; seeing none, it was closed. She added that the next meeting will be August 22, 2019 and there are a number of pending applications at this time.

Adjournment

A Motion to adjourn the meeting was made by Mr. McNaboe and agreed to by all.

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary

A recorded CD or DVD of the meeting is available for purchase by contacting the Planning Board Office.