

**Township of Manalapan**  
**Department of Planning & Zoning**  
120 Route 522 & Taylors Mills Road  
Manalapan, NJ 07726  
(732) 446-8350  
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**Planning Board Minutes**

**June 28, 2018**

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:30 p.m. followed by the salute to the flag.

**Roll Call:**

Secretary, Barry Jacobson

**In attendance at the meeting:**

John Castronovo, Todd Brown, Daria D'Agostino,  
Barry Jacobson, Kathryn Kwaak, Jack McNaboe,  
David Kane, Richard Hogan, Barry Fisher, Steven  
Kastell

**Absent from the meeting:**

Alan Ginsberg

**Also present:**

Ron Cucchiaro, Board Attorney  
Brian Boccanfuso, Board Engineer  
Peter Van den Kooy, Board Planner  
Lisa Nosseir, Recording Secretary

Mr. Cucchiaro swore in Brian Boccanfuso, Professional Engineer and Peter Van den Kooy, Professional Planner, both of CME Associates.

**Minutes:**

A Motion was made by Mr. Jacobson, Seconded by Ms. D'Agostino, to approve the Minutes of June 14, 2018 as written.

**Yes:**

Castronovo, Brown, D'Agostino, Jacobson, Kwaak, McNaboe, Kane,  
Fisher, Kastell

**No:**

None

**Absent:**

Ginsberg

**Abstain:**

None

**Not Eligible:**

Hogan

**Resolution:**

**PAM0729**

**Ahi'e Baith Foundation, Inc.**  
**Mount Vernon Road and Tracy Station Road**  
**Block 51 / Lot 1**  
**Amended Preliminary and Final Major Site Plan**

Mr. Cucchiaro stated that he received word from the applicant's attorney, Mr. Sonnenblick, to carry this matter so he has an opportunity to further review the Resolution. Chairwoman Kwaak announced that this matter be carried to the July 12, 2018 Planning Board meeting.

**Application:**      **PPM1441 ~ K. Hovnanian Shore Acquisitions, LLC**  
**Four Seasons at Manalapan Brook**  
**Highway 33 West ~ Block 72/ Lot 6.01**  
***Preliminary and Final Major Subdivision***  
***Preliminary and Final Major Site Plan***

Chairwoman Kwaak announced that the above-noted application is carried to August 9, 2018. Mr. Cucchiaro stated that this application is being carried to August 9, 2018 without any further notice to property owners.

**Application:**      **PMS1801 ~ Milford Estates, LLC**  
**196 Taylors Mills Road ~ Block 10 / Lots 47 & 48**  
***Preliminary and Final Major Subdivision***

Peter Klouser, Esq. of Heilbrunn Pape represented the applicant this evening. Mr. Klouser stated that his presentation this evening will be in response to the questions that the Board and the public raised at the June 14, 2018 meeting. The applicant has completed its presentation. The engineer that was present on June 14, 2018, Walter Hopkin, had a conflict this evening and in his place Mr. Hanrahan is prepared to answer any questions.

Mr. Cucchiaro swore in Joshua Hanrahan, a licensed professional engineer in the State of New Jersey with 10 years experience and he has appeared before many Boards in New Jersey.

Mr. Klouser reminded the Board that this application is for preliminary major subdivision approval, not final at this time. During the last meeting, the applicant was asked a number of questions and they are here tonight to provide the answers to those outstanding matters. One of the questions that arose was the feasibility of all the utility hook ups being done at once to minimize the disturbance along Taylors Mills Road. Water and sewer can be done all at once and stubs can be left during the construction. Mr. Klouser spoke with New Jersey Natural Gas and he was advised that they do not leave tails and they would have to hook up on a house by house basis. However, in his conversation with New Jersey Natural Gas, they opined that the gas line that would be tied into is on the south side of Taylors Mills Road, outside of the driveway and located closer to the actual shoulder. The tie ins would be made there and they have assured Mr. Klouser that their patches are 3' x 3' so there would be minimal disturbance as the houses were tied into the gas.

Mr. Klouser said the Board requested that the applicant mill and pave the entire width of Taylors Mills Road. The applicant agrees that they mill and pave the north side of Taylors Mills Road which is directly adjacent to the property. He asked that milling and paving of the south half width be left to the engineer's determination after that work is complete. If the engineer makes that determination, then the applicant will do the milling and paving.

Mr. Klouser referred to the questions that arose concerning Ikes Lane and whether any additional property can be made available to widen and improve the road. The applicant will provide a 10' strip of property along was is proposed lot 7 which abuts Ikes Lane. The lot line will be adjusted and that property would be annexed to what is identified on the maps as lot 35. Ikes Lane is actually part of a lot, it's a flag lot and it's a stem. Mr. Klouser discussed with Mr. Cucchiaro how mechanically we could do that. Mr. Klouser said if the applicant has to give the Township a ROW dedication, it would be easy, however the rules don't allow them to do the same thing to a private lot. We would either have to do a minor subdivision, or boundary line agreement. Mr. Cucchiaro and Mr. Klouser agreed that the best approach would be when the applicant comes back for Final approval, they should amend the application to include Mr. Lalima's lot as part of the application, part of the plat, and we would adjust our lot lines so that his lot would be 10' wider. Mr. Klouser said it is an approximately 3,200 sq ft dedication of land to the neighboring property owner without any consideration from the applicant. CME had asked the applicant to improve the apron where Ikes Lane comes out onto Taylors Mills Road to help stop

the gravel that flows out on the road. Mr. Klouser said that dedication of land would be subject to Mr. Lalima cooperating with the applicant as his signature would be needed on a final plat, as well as his signature for the consent form on the application.

Mr. Klouser said another question that was brought up at the first hearing was whether the applicant would replace the entire sidewalk area. The request from CME was to replace the sidewalk as needed. Following the Board's request, the applicant will simply just replace the entire sidewalk area.

Mr. Klouser said at the first hearing there was a question as to the road cleaning schedule during the construction phase. Mr. Klouser said the applicant would be subject to Freehold Soil Conservation District's rules as far as silt fences are concerned. In addition, Freehold Soil will require the applicant as they deem fit to sweep the street as part of their inspections and in addition to that, they would add a note to the plan that any time CME felt it was appropriate that the street should be swept as they are doing their inspections. Mr. Klouser said the applicant will do public noticing for Final approval, as required by the Manalapan Ordinance. CME asked the applicant to provide the dimensions of the irrigation pond. The applicant's engineer has advised that the maximum depth of the pond is 3' and that the slope is 1:1.

Mr. Klouser stated that with the responses provided, the applicant is asking that the Board grant preliminary subdivision approval with the design waiver relief that is identified in both of the CME reports and to do so without any limitation on the height of the basements. The applicant assures that none of the front foundations would be exposed and any exposed foundation would either be brick or stone surfaced.

Mr. Boccanfuso stated that an alternative regarding the patches in the road that will be made by New Jersey Natural Gas is that we can require them to do an infrared repair which helps merge the joint of the pavement repair with the existing pavement. It's not quite as good as a complete mill and resurface, but does provide a better and finished look.

Chairwoman Kwaak opened the floor to the public for questions and comments.

Mario Lalima came forward to speak, he owns the property on Ikes Lane and questioned when he would see the revised plans regarding the 10' dedication and the apron. Mr. Cucchiario stated that Mr. Lalima will have to review the plans before the applicant returns for Final approval. Mr. Lalima will have to look at the plan and agree to it. Mr. Lalima said with the telephone pole being in the middle of road that 10' is not going to work. Perhaps a little island can go around the telephone pole. Mr. Cucchiario said that the applicant doesn't even have to do what they are doing. Mr. Cucchiario said to Mr. Lalima that is something that you can discuss with the applicant in the planning process between Preliminary and Final approval. If it doesn't work for you Mr. Lalima, then it doesn't work for you. There will be an explanation as to why there is no dedication or that the dedication is different, or non-existent. Mr. Cucchiario said the applicant will not be able to come back unless they talk to you; you have to agree with what their plan is because now it involves your lot. Mr. Lalima is not a co-applicant, but you are an indispensable party to this now.

Mr. Klouser said the applicant was requested by the Board to provide some sort of a dedication to that piece of property to make sure that it was a certain width. The applicant's commitment is to add 10' to Ikes Lane, requiring no consideration from the neighboring property owner. Mr. Klouser said they have no interest in asking for Mr. Lalima's input with regard to the design of our plan. He would hope that the applicant's commitment to the Board to provide that extra width is satisfactory. Mr. Cucchiario said to Mr. Klouser that you are going to get Mr. Lalima's input because you need him to sign it and therefore there is a role for him to play. Mr. Klouser said that if the consent is not what the Board places as a condition on the applicant, he doesn't know what more they can do.

Mr. Cucchiaro swore in Rex Lazewski, 186 Taylors Mills Road. His question was regarding the walk out basements. He believes that would work on the east end, but on the west end, it is pretty flat. How are they going to design a house that doesn't have exposed foundation in the front and a walk out basement in the back? Mr. Klouser said he wasn't certain that Mr. Hopkin's testimony at the last meeting stated that every house would have a walk out basement. Mr. Lazewski wasn't present for the first hearing. Mr. Lazewski asked if there was going to be a retaining wall by the east end near Ikes Lane. Mr. Klouser said this was discussed at the first hearing. Mr. Klouser stated we are asking for waivers to allow certain grading. There will be grading to adjust the hills. Mr. Lazewski asked if the speed limit on Taylors Mills Road could be changed. Mr. Cucchiaro said the Planning Board does not handle these matters and suggested he speak with the Township Committee. Mr. McNaboe gave Mr. Lazewski his email address and told him to direct his question regarding the speed limit to him.

Mr. Cucchiaro swore in Kenneth Jasko, 172 Taylors Mills Road. Mr. Jasko asked about the specimen tree in the front that is hundreds of years old. Is that tree going to be taken down? Mr. Klouser said the tree was discussed at the first hearing. The Shade Tree Committee and our certified tree expert examined the tree. As a result of past treatment of the tree, it was determined that it should be removed. The top of it was lopped off in an inappropriate manner and it cause disease and decay.

See there were no further comments, Chairwoman Kwaak closed public.

Mr. Cucchiaro stated he has not done a tremendous amount of research into the Board's right to require the 10' dedication along Ikes Lane, or the improvement to the apron, etc. The applicant has stepped forward to offer to do those matters. Mr. Cucchiaro stated that if there is not an agreement on the 10' and there is some dispute as to whether more should be given, or in the manner in which it is being done, he will be compelled to look into the legalities of this. He is not certain that the Board can require something like this. He is hopeful for the negotiations between the property owners.

Mr. Brown had a question regarding the 10' and how it was being applied. Mr. Cucchiaro stated that the condition is that they are going to attempt to dedicate the 10' to the neighboring property owner. The applicant will come back for Final approval and the 10' should be part of the application. If it is not part of the application, then they will say that they made their best efforts and they will put their case on as to why they should have an approval without it.

A Motion was made for Preliminary approval for Application PMS1801 – Milford Estates, LLC with the above-discussed conditions by Mr. McNaboe and Seconded by Mr. Jacobson.

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

**Application:**      **PPS1810 ~ Millhurst Mills, Inc.**  
                                 **17 Sweetman's Lane ~ Block 82 / Lot 35.01**  
                                 **Minor Site Plan**

Frank Accisano, Esq. represented the applicant this evening. They appear this evening to request site plan approval to permit some aesthetic improvements to the east façade of Millhurst Design Center. It will include new doors and an awning. The other approval they seek is a storage facility for propane tanks. Millhurst Mills sell grills, but as of right now they do not sell the gas.

Mr. Cucchiaro swore in John Ploskonka, Professional Engineer and Planner for Concept Engineering. Mr. Ploskonka explained that Millhurst Mills is on the corner of Sweetman's Lane. They want to put some signs on the front of the building as depicted on the plans. There are two wall signs proposed and an awning. The awning comes out 3' feet which is over a sidewalk and would therefore require a variance since 75' is required. There is a similar situation with the canisters for the propane near the entry way to Millhurst Mills. The propane canister cage is back 64' from the right of way, and 75' is required and therefore a variance is required. The propane canisters are taken off site by the provider and they are filled by the provider and returned to the locked cage. There is a camera above the lit cage area. The other cage proposed is on the side facing Millhurst Pond.

The slight changes to the façade require variances for the two proposed wall signs that measure 138.65 sq ft. The two canisters and the awning are in the setback and require variances. Mr. Ploskonka distributed Exhibit A-1 – a color photo looking to the left of the building and Exhibit A-2 – a color photograph looking straight from Millhurst Road at the front entrance of the building. Mr. Ploskonka showed the Board where the proposed improvements would be on the site. Mr. Ploskonka stated that the signs will provide a desirable visual environment for the building and they will maintain an attractive area for commercial use. There will not be an increase to traffic or an increase of excess noise or light spillage. Mr. Ploskonka reviewed the sizes of the improvements, including the awning which is 3' deep, 32' wide and 44" high and sits above a 5' wide sidewalk in front of the building. The location of the awning will not block any traffic.

Mr. Van den Kooy noted that the hardware sign on the building is damaged and if there are plans to repair it. Mr. Ploskonka stated the letters for this sign have been ordered and it will be restored shortly. Mr. Van den Kooy referred to the 2016 resolution wherein the applicant was permitted to reface the façade of the building adjacent to the subject existing commercial building, Ace Hardware and asked what the status of these improvements are. Mr. Ploskonka said the façade has been restored. Mr. Van den Kooy asked about access to the propane canister cage – who will have access to this? Mr. Accisano said it would be employees only, there is a key and lock that only employees will have access to. Mr. Van den Kooy said there is some debris around the area – will the area be adequately cleaned up. Mr. Ploskonka said yes the area will be cleaned up.

Mr. Boccanfuso said there aren't many engineering matters that need to be addressed for this particular application. He did have a comment regarding the verification that the proposed propane tank enclosure won't be within a flood hazard area. He doesn't believe it will be, however he would like Mr. Ploskonka to provide him with a topographic survey that would verify the separation between the base flood elevation and the elevation where the propane tanks are proposed that the storage tank is not in fact within the flood hazard area. Mr. Ploskonka will forward the topographic survey to Mr. Boccanfuso.

Mr. Boccanfuso referred to the 2016 resolution regarding the removal of trailers that were encroaching onto Township property. Based on aerial images, it doesn't appear that there have been substantial changes in the area in question going back to 2013, 2015, 2017, etc. Have the trailers been removed? Mr. Accisano said no, they have not been removed, nor will they be moved. The survey that was done by the State was inaccurate. The trailers are on Millhurst Mills property. He has spoken with the Township attorney about this. Mr. Cucchiaro requested that the Board is provided with the survey or a letter he may have received from the Township attorney. Mr. Accisano said he will take care of this matter.

Chief Hogan said this will be an improvement for the property and Millhurst Mills has been around for many years serving the community.

Chairwoman Kwaak had a question regarding the Ace Hardware sign – is it going to remain with the new Millhurst Design Center logo as well? Mr. Ploskonka said yes it will. Chairwoman Kwaak said there are already seven signs on the building. Mr.

Ploskonka said the sign on the façade facing the north has been there for years and it will remain there.

Mr. Kastell asked the applicant if they considered putting both propane containers on the side rather than the front. Would it be a fire hazard with the road being somewhat of a dangerous curve? Mr. Ploskonka said the canisters would be up in the corner with a 5' high wall and it is off the road about 80'-90'. Chief Hogan said the Fire Code dictates how much propane can be within one of the cages. Propane is measured by gallons and we will review this during our annual inspections.

Mr. Brown stated that on the rendering the awning has lettering, but on the site plan signage there is no lettering, which is correct? Mr. Ploskonka stated there are no letters planned for the awning.

Chairwoman Kwaak opened the floor to public for comments and questions regarding this application. Seeing none, she closed public.

A Motion was made by Mr. Fisher, Seconded by Ms. D'Agostino, to approve application PPS1810, Millhurst Mills.

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

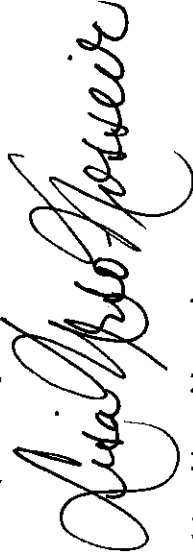
Chairwoman Kwaak opened the floor to any non agenda items; seeing none she closed public.

Chairwoman Kwaak stated that the next meeting will be July 12, 2018 and there are a number of pending applications at this time.

**Adjournment**

A Motion to adjourn the meeting was made by Mr. Jacobson 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.