

# Township of Manalapan

## Department of Planning & Zoning

120 Route 522 & Taylors Mills Road

Manalapan, NJ 07726

(732) 446-8367

### Planning Board Minutes

November 14, 2019

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:33 p.m. followed by the salute to the flag.

**Roll Call:** Daria D'Agostino, Secretary

In attendance at the meeting: John Castronovo, Todd Brown, David Kane, Daria D'Agostino, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Richard Hogan, Barry Fisher, Steven Kastell

Absent from the meeting: Alan Ginsberg

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

Mr. Cucchiaro swore in Jennifer Beahm, Professional Planner and James Winckowski, Professional Engineer.

### **Minutes:**

A Motion was made by Chief Hogan, Seconded by Mr. Castronovo, to approve the Minutes of October 24, 2019 as written.

Yes: Castronovo, Brown, Kane, Kwaak, McNaboe, Jacobson, Hogan, Fisher, Kastell

No: None

Absent: Ginsberg

Abstain: None

Not Eligible: D'Agostino

**Resolutions:**            **PMS1931 ~ Cardinale and Associates, LLC  
162 HWY 33 ~ Minor Subdivision; and  
PFM1724 ~ Cardinale and Associates, LLC,  
"Manalapan Crossing"  
162 HWY 33 ~ Block 66 / Lot 8.01  
Final Major Subdivision and Site Plan**

A Motion was made by Mr. Fisher, Seconded by Mr. Jacobson to approve Resolutions PMS1931 and PFM1724, Manalapan Crossing, as written.

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

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

A Motion was made by Ms. D'Agostino, Seconded by Mr. Fisher to approve Resolution PAS1930 as written.

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

**Application:**            **PMS1813EX ~ Chris Sullivan  
113 Gordons Corner Road  
Block 15.01 / Lot 2  
Extension of Time - Minor Subdivision**

Mr. Cucchiaro swore in the applicant, Chris Sullivan. Mr. Cucchiaro stated that the applicant's engineer, John Ploskonka, is unable to attend tonight's meeting. Mr. Cucchiaro has spoken to Mr. Ploskonka and went through the items that were discussed. He stated that this was a minor subdivision that was granted on October 25, 2018. There were several outside agency approvals and conditions of approval that the applicant was required to comply with. In many minor subdivisions, this took longer than the 190 days to file a minor subdivision. Since that time, they have obtained the Freshwater Wetlands LOI, the NJ DEP Flood Hazard Area, the Monmouth County Planning Board approval, Freehold Soil Conservation District approval and they are still working with Gordons Corner

Water. They have several deeds regarding easements that they are submitting in order to comply with conditions of approval. The zoning on the site has remained unchanged, so whether you grant an extension or not, it is still a permitted use. The Board should be looking that there has been a diligent effort to obtain all outside agency approvals as well as to comply with the conditions of approval. Mr. Cucchiaro asked Mr. Ploskonka how long it would take to comply with the remainder of the items that are necessary in order to file. He thought if we granted an extension through the end of January 2020 that would be appropriate. Mr. Sullivan agreed that they are very close to completing this matter.

The professionals or the Board did not have any questions for the applicant. Mr. McNaboe asked if that was enough time for the applicant to get everything in order. Mr. Cucchiaro said the time frame was based on what Mr. Ploskonka told him.

A Motion was made by Chief Hogan, Seconded by Mr. Fisher to grant an extension of time until January 31, 2020 for application PMS1813EX.

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

**PFM1837 ~ Stavola Asphalt Company**  
**Woodward Road and Route 33**  
**Block 7232 / Lots 1.02 and 1.03**  
**Final Site Plan and Final Major Subdivision**  
*Carried from September 26, 2019*

Kate Coffey, Esq. of Day, Pitney appeared this evening on behalf of Stavola Asphalt Company. The applicant was before the Board in September. This is the applicant's request for Final Major Subdivision and Site Plan approval. We are requesting an exception from the subdivision and site regulations to permit parking spaces to be 9' x 18', where 10' x 20' are required as well as a variance to permit a parking setback of 25' from Woodward Road. Regarding the outside agency approvals, the NJ DEP Flood Hazard Area and Wetlands Areas have been received. We anticipate the NJ DOT approval next week. The only remaining item is Manalapan Township Water and we expect that shortly as well.

Mr. Cucchiaro swore in Scott Turner, Principal Engineer with Menlo Engineering for 32 years. Mr. Turner showed the Board the Final Map hereinafter known as Exhibit A3 which was prepared by Menlo dated October 31, 2019. The plan represents the three lots that were subdivided as part of the preliminary

subdivision approval. The Board requested to indicate on the plan access easements and utility easements so that water and sewer could be extended through the various properties. Mr. Turner stated that the sewer plans are identical to what was submitted to the Board. He showed the Board the sewer alternative plan number 1, dated October 31, 2019. This is the sewer plan that is as currently engineered for the assisted living facility that is consistent with the preliminary site plan approval. It shows a pump station that is located in the southeast corner of the property, just off the corner of the new parking lot for the assisted living facility. The pump station will be designed in accordance with all the current codes and standards and regulations. It has been approved by the WMUA and it is currently at the DEP for final review and approval. That will convey the sewer flow from the assisted living facility down Woodward Road towards Route 33 by way of a force main and tie into the existing sanitary system that is on the southeast of Woodward Road and Route 33.

Mr. Turner spoke about sewer plan number three. This plan demonstrates what would need to be done in order to provide sanitary sewer to the proposed residential development in order to provide a gravity system to that development as well as a gravity system that could service the assisted living facility and the potential office building to the north. There would be a substantial sewer construction project along Woodward Road heading towards the east in order to install a sewer line that would be deep enough to accommodate and capture all of these different projects by way of gravity sewer. They would have to be in the area of around 25' - 30' in depth and approximately 1,400' of pipe.

Mr. Turner described the road improvement exhibit dated October 31, 2019. This plan represents the future overall road improvements that are contemplated for the development of the projects. It does include a road widening, restriping and left turn lanes into the assisted living facility. They are requesting that the road improvement project of widening and curbing be deferred to a point in time when the other aspects of the project are completely ironed out so we know where the driveways are going to be and the connections. They agree to install the concrete sidewalk that is required along the assisted living facility frontage. There will be future sidewalk that runs down towards Route 33. Ms. Coffey said the intention of the applicant would be to construct the sidewalks now, but to defer the other components of the road widening, including the curbing, until a later time. Mr. Turner said it would make more sense to build the sidewalk along the assisted living facility frontage now.

Ms. Coffey asked Mr. Turner to speak about the ROW dedication. Mr. Turner said we have to dedicate a small portion of ROW along Woodward Road. On the Final Map, there is a shaded triangular wedge of property, about 3,800 sq ft that is a small dedication that is required along Woodward Road in order to get the ultimate improvements in place and there is also another small dedication at the

intersection of Route 33 and Woodward Road to be determined based on NJ DOT improvement requirements. This could impact the parking lot setback. There is a portion of the southerly parking lot that we have designed for the assisted living facility that will sit 25' from the proposed ROW line as opposed to the 35' that we had originally anticipated.

Ms. Coffey said the next step would be to address some of the comments in the review memorandum. Other than the points that she is going to touch on this evening, the applicant intends to comply with all of the other comments. Mr. Turner confirmed the sq ft of the building as 57,776 sq ft. Ms. Coffey stated, in response to 12B, we have added the cross access easement that was shown on the Final Map, correct Mr. Turner? Mr. Turner said that is correct.

Mr. Winckowski said that on the subdivision plat, we would ask that you extend the utility easement for along the frontage of Route 33 to the neighboring lot. Mr. Winckowski stated that the applicant did what we asked for. We did have a meeting with Township officials and the WMUA to discuss the sewer plan for the entire tract and we wanted to make sure before the subdivision was filed that whatever happens in the future, there is the availability to add water and sewer to each one of these lots. The three options that the applicants produced, we are not vetting that tonight, just that each option relies on the easements on this plat so we know that depending on how the WMUA requires a sewer plan and the Township requires the water distribution plan to end up, the access is there for that to happen.

Mr. Winckowski said we also asked last time for the road widening to be completed now with the subdivision so we know we have the land for any potential improvements. We have no objection to them proceeding for Final for the site plan and subdivision. Mr. Cucchiaro asked about the ROW. There would now be a deficiency with the setback. Ms. Coffey said that would be a variance from 95-5.6(i)(4)(L1); the requirement being 35', and now it will be 25'.

Mr. McNaboe asked the applicant if they were to tie in using sewer plan number two where all of the residential will tie into the existing manhole located in Knob Hill. Has anyone done a study as to capacity? Mr. Turner said it is currently being worked on.

Chair Kwaak asked about plans 1 and 2 that show a retention basin, however plan 3 does not have one shown for the commercial piece. Mr. Turner said this is a drafting error. It was left off of plan 3 by accident. This is conceptual, we are not sure what it will, or to what extent it is needed. Mr. Winckowski said the applicant can hold off on the curbing and sidewalk until easements are finalized. Chair Kwaak stated that the Deputy Mayor didn't want all the dirt and runoff going onto Woodward and that is why we wanted the curbing. Ms. Beahm said they are deferring the curbing, but they are putting in a sidewalk.

Mr. Brown asked about the concrete emergency access way that comes to the southwest of the site - it appears that it now goes all the way to the ROW, when before it ended in the parking lot. Mr. Turner said that is correct, that was a request at the last hearing. Mr. Brown asked what the curb going to be - a depressed curb? Mr. Turner said it would be a depressed curb.

Mr. Fisher asked if the cars would have cross access? Ms. Beahm said it is an easement, there is no physical access. They have provided an easement to allow the residents. The details will come out in the application for the residential part.

Mr. Cucchiaro swore in Justin Taylor, Principal Engineer at Dynamic Traffic for 20 years. Ms. Coffey stated the traffic plans have not changed since preliminary, correct? Mr. Taylor said that is correct. Mr. Taylor stated the applicant submitted a subdivision application to the NJ DOT this past summer. It has been reviewed by them and the draft permit has been issued. We have signed it, resubmitted the fees and we are awaiting the execution of that permit, and anticipate them issuing it early next week. Mr. Taylor said as part of this phase of the project, it was agreed to at the preliminary hearing that we would restripe a section of Woodward Road in order to accomplish a left turn for the assisted living use only. Mr. Cucchiaro said to be clear, when future applications are submitted that this would be reevaluated as to whether it can handle the increased traffic associated with those projects? Mr. Winckowski said this will be fully improved.

Mr. McNaboe asked Mr. Taylor about heading southbound on Woodward Road heading towards Route 33. You are in a 35mph zone, it's a green light ahead and people are making a right hand turn into your site. You have not made any provisions to get the cars out of that lane of traffic. In order to enter your site southbound, we have traffic slowing down as we come up on that light. Is that something that is customary? He would tend to think at that point we'd have two lanes pretty much going northbound. Why aren't there two lanes going southbound? Mr. Taylor said yes this is something we typically do all the time, we provide right and left turns directly. Given the volume that we anticipate for this use, he does not see any issue with allowing the rights to be turned out of that lane. Mr. Taylor added that once we finalize the development program for the retail component, we will be evaluating that to accomplish safe turning movements for all the properties. Mr. McNaboe asked about lot 1.04 and if you would be able to make a right into that property heading southbound? Mr. Taylor said that is correct. Mr. McNaboe said that it appears to him that coming out of that lot, it is also showing that you may be able to head northbound. Mr. Taylor said we anticipate a left turn out of that site. Mr. McNaboe said that close, across three lanes of traffic? That is a hard sale. Mr. Taylor said that is a design we are looking at and the queuing along Woodward Road is a primary

concern. Mr. McNaboe said you are creating a problem for yourself by not creating a cross easement with the traffic to this lot that we are talking about right now. These two lots should still be tied together. Mr. Taylor agreed to investigate this matter further. Ms. Beahm stated that when we have a meeting with the applicant, running a sidewalk down from the residential and to the east towards the commercial is something that we will discuss at that point. Ms. Coffey said this applicant would consider future requests for a cross easement when the other components were coming on line. We need to know more about the design of the other components.

Chair Kwaak had a question regarding the access into the assisted living. What about the current exit out on Woodward from WaWa and Sportika? It looks like it is directly across. Is that going to be an issue? If you are trying to turn left, and you have people sitting in the left turn lane to turn left into the assisted living? Mr. Winckowski said the intent is to align the driveways so they are across from each other so that you have the least amount of conflicting movements as possible.

Mr. Jacobson agreed with the Deputy Mayor about the left turn on the conceptual plan. It is a concept, but not a good one and hope it will be improved when we see actual plans.

Mr. Castronovo asked why there may be reluctance at this point for the applicant to allow for cross easement to the other lot? Why wouldn't you automatically consider that? Ms. Beahm said there is an easement that they are proposing on their lot for utilities and pedestrians to the residential section. It ties into the corner of both, the assisted living and the commercial piece. Mr. Winckowski repeated on Mr. Castronovo's behalf - why isn't the applicant receptive to providing a cross access easement for vehicular connections between the front parking lot of the assisted living with the future commercial development?

Mr. Turner said from an engineering prospective, not necessarily traffic prospective, the grading conditions are such that he does not believe he could make that connection feasible. There is a barely substantial grade differential from the intersection of Woodward Road and Route 33 as you head down to the east along Woodward Road, there is approximately 15' or so of grade differential and the grading condition on the assisted living facility is such that there is a substantial grade change in height. The assisted living facility would be substantially lower in elevation than the corner commercial piece. There wasn't consideration to connect the commercial property, and he's not sure you'd want a commercial property to be connected to an assisted living facility, property and parking lot anyway.

Mr. Cucchiaro said but at the beginning, you said it wasn't feasible. However you are now saying it's premature. Which one is it? Mr. Turner said it is his opinion that it is not feasible to make that connection. Mr. Cucchiaro said so then you disagree with the statement that was made a few minutes ago that it is something that would be considered in the future. If it's not feasible, then it would never be considered, because it's not possible. Mr. Turner said that is his opinion.

Ms. Coffey said part of the reason why we suggest this be deferred is that we have not fully engineered the proposed lot 1.04. We have not looked at all the topography and detail. We don't know the layouts of the driveway and although you have concerns about the topography and the connection, you haven't attempted to engineer a connection at this point, have you. Mr. Turner said that connection could not be made. Mr. Winckowski said isn't that the point and more of a reason why to provide the easement? Ms. Coffey said she doesn't believe so because she doesn't know where exactly to put the easement, we do not know where the optimal place would be.

Mr. Cucchiaro swore in Gary Puma, former CEO of Springpoint Senior Living. This is a residential community in a highly secure neighborhood for individuals who are being managed with dementia and other cognitive issues. They are going to be escorted around the campus in a secure courtyard most of the time, but there is going to be older people coming into visit their spouses. As you can see by the design, there is an access way for delivery trucks to come in and make a turn over on this particular side of the driveway and there is going to be vehicular traffic in and out, staff and residents and visitors. It would be the operators preference to not have cross easements going through this residential property. By granting easements into a community like this, we think that it creates a risk for the residents and staff of the community.

Ms. Beahm said this intersection is a concern, clearly given the fact that there are conceptual plans here for significant improvements at that intersection and the ability to keep cars from going in and out in a very short distance is preferable for our end. While she can respect the fact that your residents are older and have some cognitive issues, she has seen these facilities throughout the State and she has never seen a resident aimlessly wandering through a parking lot and she doesn't understand the safety issue of it. You are going to have people visiting the site that could benefit from the connection and that's where the Board is coming from. Your desire to not have the connection for safety of the residents, in her opinion, is a bit of a stretch.

Mr. Puma said if visitors were at the site and they want to go through one part of the lot to get to a cup of coffee, we wouldn't object to that. Ms. Beahm said but you just did. Mr. Puma said he objected to cars traveling in and out from one side to another, because that was what he was envisioning. Ms. Beahm said



you are not stopping cars from coming into your parking lot regardless, you are not restricting access to the parking lot, right? Mr. Taylor said he believes the intent of the pedestrian connection was to address both those issues. We are trying to prohibit the commercial traffic from driving through basically a residential use. However, they understand that there may be people or employees of the assisted living and we wanted to be able to give the best of worlds. We would like the pedestrian connection, but not the vehicular connection to try to keep the cars from cutting through essentially the assisted living to get out on Woodward. Mr. Castronovo said for example, there is a florist and he's going to visit a relative. He would stop at the florist, then he has to come out, go on Woodward Road, go around and then come back into the facility. If the easement was available, he could cut right through without going back on Route 33, or Woodward Road. Mr. Taylor agreed, but said the flip side to that, and the concern that they have, is the person that goes to the florist that isn't visiting the assisted living, but decides they are going to cut through their parking lot. Ms. Coffey said one of the issues is that we haven't designed how the traffic is going to flow in the commercial portion, so we don't know if there is going to be incentive for people to cut through, or whether there is going to be incentive for people to travel on the roads.

Mr. Cucchiaro asked about the safety issue. He stated that facilities such as these are regulated at the State level, correct? Ms. Coffey said that is her understanding, yes. Mr. Puma said they are regulated by the State Department of Health. Mr. Cucchiaro said, so that includes safety. Is there anything in those regulations that speaks to prohibiting or limiting cross easement access like this? Mr. Puma said no, not that he is aware of. Mr. Cucchiaro said are you aware of any facilities similar to this that have cross access easements and there were safety problems associated with them? Mr. Taylor said he can state from the experience of doing several of these assisted living facilities that we typically do not provide cross access. Mr. Cucchiaro said do they exist in the State, and if they do, have they had the problems that you're concerned with? Mr. Taylor said not that he is aware of. Mr. Cucchiaro said he believes there is one in Edison, the Roosevelt Care Center which has a cross access easement with the shopping center that has a Target. Mr. Taylor said he is not familiar with the site.

Mr. Cucchiaro asked Mr. Taylor out of all the assisted living facilities that he has worked on, how many were adjacent to commercial uses? Mr. Taylor said he is working on one in Teaneck where there are commercial uses to either side. Mr. Winckowski said the driveway that is conceptually shown for that commercial center, a left turn out of there is not guaranteed, and considering the nature of the multiple in-turn lanes, if there was a cross access, wouldn't it be a safer movement to get those left turning movements away from Route 33 to make a left out onto Woodward? Mr. Taylor said based on the conceptual analysis that he has done, as shown on that plan, it is not necessary to pull it any further

from the intersection because the queues that we have calculated will be shorter than where the left turn is. Ms. Beahm said isn't safer to make left turns farther away from an intersection than closer to an intersection? If you are going to make a left turn out, wouldn't it be safer to be farther away from an intersection? Mr. Taylor said that is a very complicated question. His initial answer would be no, because interaction between vehicles is typically based on either driveways on the opposite side, or by the queuing from the intersection. If we can show that the driveways beyond the queues would be backing up, that there is no difference in the safety whether it is 100' or 1,000'.

Mr. Fisher said the light at Woodward Road backs up, and cars come out of Wawa, he believes that this will not be backed up. If they were tied in with the project further on Woodward Road, the adjoining project, and the cars were able to go and make that left turn, this would be the safest way. Mr. Taylor said there are backups currently and no improvement were required of Wawa and Sportika. It is our applicants responsibility when we come in with the commercial piece, to dictate the improvements necessary at that intersection. One of his challenges in the preliminary analysis was to reduce that queue on the southbound approach, because we need to be able to function and get in and out of our driveways along Woodward Road. He is confident that we can do that. The application we have here, the driveway is going to operate safely, it's been located in the correct location opposite of the Wawa. He feels the cross connection will be more detrimental to the assisted living facility than it will be beneficial to either the road or to the commercial piece.

Mr. Kastell added that special events at the assisted living facility where families are invited, in addition to tournaments at Sportika would create a traffic nightmare.

The Board took a five-minute recess.

Ms. Coffey stated we've heard all the discussion regarding a cross access easement between proposed lot 1.04 and 1.05. Ms. Coffey distributed to the Board a potential access area that would connect lots 1.04 and 1.05; however because the applicant has such a concern about motorists from 1.05 using it as a cut through rather than turning onto Woodward Road, the applicant would ask that if is inclined to grant that access easement, that it is understood that such easement does not foreclose the possibility of a driveway going from lot 1.04 to Woodward Road. Mr. Winckowski said at the time when that site plan is submitted for the commercial lot, the applicant is entitled to a left turn out if they can demonstrate through their traffic study that it is a safe ingress and egress and he has no objection. Mr. Taylor said the operation of the driveway will have to be investigated at the time they are submitting for the commercial piece. They will review all the traffic conditions associated with this entire development as part of this application.

Mr. Cucchiaro asked if there is an agreement tonight that there is going to be an easement between lots 1.04 and 1.05? The Board acknowledges that the applicant can utilize the driveway from the corner lot out to Woodward Road, subject to whatever site plan comes in and confirming that the ingress and egress is safe? Ms. Coffey asked to rephrase slightly: the applicant's position is, is that the assisted living facility lot, will agree to grant a cross access easement as indicated on Exhibit A4 - draft cross access easement, which is being circulated to the Board. The applicant's proposal is that it would grant the easement as shown on Exhibit A4. However, they will do so with the understanding that a subsequent site plan application for the corner lot would be analyzed from a traffic prospective to determine whether a driveway opening onto Woodward Road including a left turn lane is appropriate without factoring in that easement area. In other words, the corner lot's concern is they don't want to be told later since you gave this easement, we are not going to consider having a driveway out to Woodward Road because the feeling of the assisted living facility is that there really needs to be two options to avoid all the cut through traffic going through their parcel. Mr. Cucchiaro said it is still subject to the safety of ingress and egress from that driveway and he doesn't believe anyone tonight can foresee that this would be a problem. A worse case scenario that the ingress and egress is not found to be safe, that driveway doesn't happen, is the easement contingent upon that driveway. Ms. Coffey said the request would that in the analysis of whether the driveway onto Woodward Road is safe and appropriate from the corner lot would be done without factoring in the access easement as an alternative. Mr. Cucchiaro said if that driveway is not approved, would there still be an easement, or would there not be an easement? Ms. Beahm said let's say we do the analysis and its determined that the driveway is not safe and so the Board is not going to be inclined to allow access. In the event that happens, would this easement still exist to allow that? Ms. Coffey said yes. Mr. Winckowski said this easement doesn't mean that the driveway is automatically going to happen interconnecting two sites because they still have to do an engineer design for it and assure that it works engineering wise appropriate because there are some grading concerns.

Chairwoman Kwaak opened the floor to the public for questions or comments. Seeing none, public was closed.

A Motion to grant Final Site Plan approval, Final Major Subdivision approval with the new ancillary design waiver and variance relief subject to the conditions that have been placed on the record, including the sidewalk and curbing deferred at this time was made by Mr. McNaboe, and Seconded by Mr. Jacobson.

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

Ms. Nosseir reminded the Board to please RSVP for the December 1, 2019 Volunteer Breakfast and the next Planning Board meeting is December 12, 2019.

Chair Kwaak opened the floor to the public for any non agenda items. Seeing none, public was closed. Mr. McNaboe asked the Board members to submit their application if their term was ending December 31, 2019.

**Adjournment**

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