

Township of Manalapan

Department of Planning & Zoning

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Planning Board Minutes

September 26, 2019

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, Daria D'Agostino

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 Mr. Brown, Seconded by Ms. D'Agostino to approve the Minutes of September 12, 2019 as written.

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

No: None

Absent: Ginsberg

Abstain: None

Not Eligible: Hogan

Applications: **PFS1325 ~ 149 Freehold Road, LLC**
Olde Silver Tavern
149 Freehold Road ~ Block 27 / Lot 39
Amended Preliminary and Final Site Plan

Ms. D'Agostino was recused from this application.

Frank Accisano, Esq. represented the applicant this evening. He said he had three witnesses to testify this evening. Mr. Cucchiaro swore in James Lawson, owner and operator of the property. The amended approvals we are seeking this evening as compared to the approvals originally granted surround the proposed basement. We didn't think it was possible to get a basement. When we moved the building back 20', we realized we could add a basement which would be an effective way to operate and run the business for storage. The basement would store beer and wine and we will then be able to keep everything in-house. There would be a walk-in box for the tap system. We thought of a creative way to use the front 20' for bocce courts instead of waiting in the bar area when the weather permits.

Ms. Beahm asked if the bocce court has a border to keep the balls in place. Mr. Lawson said yes, a border will keep all the balls in that area. We met with the Environmental Committee to try to figure out how to put the landscaping in. Ms. Beahm suggested the applicant to request a variance for an accessory structure in the front yard. She doesn't take any exception to this, but typically accessory structures are not allowed in front yards. Mr. Accisano put the request for the variance on the record and he stated that he did provide in his notice for anything else that the Board may request.

Mr. Winckowski asked if the applicant understood that as a condition of approval that the basement would be for storage only. The Applicant agreed to this condition. Mr. McNaboe asked if there were any other accessory structures? The applicant said no we will be using the basement for storage.

Chair Kwaak asked if there are Bilco doors for the basement for the deliveries? Mr. Lawson said the beer distributors supply a ramp that looks like a semi-circle ladder. The kegs are slid down by the delivery people so they don't bang and destroy the steps. Mr. Brown asked about the bocce ball courts and the operations of that. Would the balls stay out there and patrons would just come and play as they will? Mr. Lawson said they wouldn't be just laying out there, we would like to have them accounted for. More thought will be given this matter. Mr. Brown asked what if the balls got loose and got into the parking lot? Mr. Lawson said we are going to use 12"-18" of a framing that sits around each court.

Mr. Fisher asked if they intend to use a sanitary dumpster? Mr. Lawson said we are going to consult with our provider and use the state of the art trash removal.

Mr. Cucchiaro swore in John Ploskonka, Professional Engineer and Professional Planner. He stated they appeared before the Planning Board five years ago with this application. Mr. Ploskonka said the building is going to be about 7,400 sq ft and now it will have the basement. There are 143 parking spaces, the back of the property is wooded and wetlands as defined by DEP. The new facility will have sanitary sewer and city water. The sanitary sewer is half in, from Thomas Street, past the cemetery and Church Street, up to Route 522 and we are working on finishing that up in the next month or so. The County is also improving Tennent Road and we are making sure that our plans do not conflict with their plans. Gordons Corner Water Company services the area and they will run their water line from Church Lane around to service the facility.

Mr. Ploskonka referred to the CME report and we agree to provide any clean up items 7E, F, G and H; 9A, B, C and D; 10A and B and 11A and B. We also met with the Environmental Commission to provide some curb cuts in the back of the parking lot. We have been to the Fire Bureau and they are satisfied with what we have. We need to try to get this project into the ground before winter, so that next spring things will be moving smoothly.

Mr. Accisano questioned Mr. Ploskonka that the Board has asked us tonight for a variance for the accessory structures, the bocce courts in the front yard, and reaffirmation of all the variances that were granted in conjunction with the original application. Mr. Ploskonka said we are moving the building back 20', we are improving the front with the bocce courts and he there is a need to do some fine tuning of the front with the bocce courts, the landscaping and the boulders and we work together with Shade Tree. Mr. Accisano said that the relief we are seeking can be granted without substantial detriment to the public good.

Mr. Cucchiaro stated all of the previous variance relief either has remained the same, or has less intensity than what was previously granted. Mr. Ploskonka said that is correct and there is one waiver where there are four parking spaces in the front setback where there were three before, so that would be another waiver.

Mr. Winckowski asked is there something in the CME report that you are not going to comply with? Mr. Ploskonka said he is going to comply with the report. Mr. Winckowski said he recommends that it is shown on the plan that the area to the rear of the site where it formally contained the septic disposal field be shown as an area for overflow parking.

Mr. Jacobsen said you plan to have a rain garden there correct? Is there going to be a sign for that rain garden? Mr. Ploskonka said there will be sign identifying what is there and we are going to comply with the Environmental Commissions request.

Mr. McNaboe asked if the existing sign will stay unchanged, except for the facing on it? The steel structure and electric will be tied? Mr. Ploskonka said that is correct.

Mr. Fisher asked about the number of parking spaces. Mr. Ploskonka said we exceed the Ordinance and have 143 spots.

Mr. Cuccchiaro swore in Michael Testa, architect. Mr. Testa distributed a handout of a color 3D rendering of the building, Exhibit A. Mr. Testa referred to sheet PB1, the basement and foundation plan. The front has a patio, the rear is a concrete slab where the rest of the restaurant is going to be. We will be proposing a slight ramp going down towards the rear where the receiving area is located now. The stairs are about 42" wide. The building is completely non combustible, fully sprinklered and the basement will be fully sprinklered. The basement also allows us to use the utilities down there as well.

Mr. Winckowski asked if the basement is going to have a sump pump? Mr. Testa said there are two sump pumps since the area has a high water table. The height of the basement is 7' which is the minimum for a basement. Mr. Winckowski said the discharge for that pumping should probably be piped down to the rear of the site into the wetlands. Mr. Ploskonka agreed.

Chief Hogan asked if the two fireplaces are gas? Mr. Testa confirmed that the two fireplaces are gas.

Chair Kwaak asked if there is a ramp? Mr. Testa pointed out on the exhibit where the ramp would be. Chair Kwaak asked where the generator is and Mr. Testa said there will be a generator on the site.

Mr. Brown asked where the AC condensers will be located. Mr. Winckowski said they will connect to the rear of the building where the loading area and trash enclosure.

Mr. Castronovo asked about the signage. Mr. Testa showed the front of the building with a wall mounted sign which will be illuminated. There is also a sign on the side where the main parking area is identifying the entrance. The canvas awnings may have a logo on them. Mr. Testa pointed out the raised patio in the front and where the bocce courts will be.

Mr. Fisher asked if they anticipate putting solar panels up. Mr. Testa said the building presents as a residential appearing roof. It would not be productive. Mr. Fisher asked about the lighting in the parking lot and the bocce court. Mr. Ploskonka said they have lighting in the parking area proposed. The bocce court walls will have lighting.

Mr. Kastell asked if the first 3,000 sq ft of the basement are finished and the rest is a slab? Mr. Testa said yes it is a slab.

Mr. Winckowski asked about the side entry and if it is going to need a platform? Mr. Testa said it is approximately 2' about grade at this point. It is going to need a platform and a ramp going down. It will protrude about 5' from the building. Ms. Beahm said right now, the side yard setback is 20.1' which was an approved variance, so if you are bringing a platform out 5', then that variance needs to be amended to 15.1'. Mr. Ploskonka agreed to this. Mr. Ploskonka said we have to amend the plan to depict low lighting items for the bocce courts along with the landscaping. Mr. Lawson said the border wall has some LED lighting to accent the ground.

Chair Kwaak opened the floor to the public for questions, none were raised and it was therefore closed.

A Motion granting Amended Preliminary and Final Site Plan approval along with the ancillary variance and design waiver relief for PFS1325 was made by Mr. Fisher, and Seconded by Chief Hogan.

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

The Board took a five minute recess.

Application: PFM1837 ~ Stavola Asphalt Company
 Woodard Road and Route 33
 Block 7232 / Lots 1.02 and 1.03
 Final Site Plan and Final Major Subdivision

Katharine Coffey, Esq. of Day, Pitney represented the applicant this evening. They appear before the Board this evening seeking Final Site Plan and Subdivision approval. The property is located at Route 33 and Woodward Road, located in the SEDA zone and in its entirety it is 65.1 acres. The applicant received Preliminary approval pursuant to the Resolution dated May 9, 2019. As an overview, we seek to subdivide the property into three new lots. Two newly created lots will be approximately 6.32 and 7.91 acres with the remainder lot consisting of approximately 50.8 acres. Tonight we seek Final approval for an assisted living/memory care facility which is going on the 7.91 acre parcel. It will consist of 60 assisted living units consisting of 57,776 sq ft which includes 40 private units and 20 semi-private units for a total of 80 residents. We had requested a variance

from the requirement of parking spaces being 10' x 20' and sought 9' x 18' size parking spaces.

Ms. Coffey continued with an update of outside approvals, including receiving Monmouth County Planning Board subdivision approval – we were deemed exempt on May 13, 2019. We received a conditional approval for site plan, received on June 24, 2019. Freehold Soil Conservation District sent their certification on July 2, 2019. The NJ DEP Stormwater Discharge Permit was received on July 11, 2019. The WMUA sent an email confirming that they approved the project on September 17, 2019. NJ DEP treatment works approval is being submitted to NJ DEP shortly. NJ DEP Flood Hazard Area and Wetlands Permits have been submitted and the statutory deadline is September 30, 2019 and we expect those shortly. We submitted an application to Manalapan Township Water on April 22, 2019 and we resent it on August 27, 2019 and we are awaiting CME approval. For NJ DOT, all permit items are completed and signed and the executed permit is on route to them.

Mr. Cucchiaro swore in Michael Allen-Hall, licensed architect for 32 years and managing principle from Noekler and Hull. Ms. Coffey asked Mr. Allen-Hall about the change that was made to the architectural plans. He explained that the change occurred due to the addition of square footage to the building. Initially, the building 56,960 sq ft. We added 816 sq ft to the building, making it now 57,776 sq ft. This additional area was added to the interior court yard. The area that was added was composed primarily of additional resident services to the memory support facility. This change cannot be seen from the outside of the building.
Doppelganger

Mr. Cucchiaro swore in William Lane, licensed engineer for 34 years with Menlo Engineering. Mr. Lane explained to the Board the changes that were made to the engineering plan. There was a fire lane that is around the back of the building that will now be paved. We have added in an emergency access off the southern end of the property. Mr. Lane pointed out on the colored rendering of the site plan, Exhibit A1, exactly where the changes have been made. The sidewalk along Woodward Road was added along with a connection of the sidewalk up into the property which will lead to the front of the building. These revisions were made in response from the Board's professionals under the conditions of the Preliminary Site Plan resolution.

Ms. Coffey asked Mr. Lane for confirmation of the following conditions:

- the plans were revised to show 4" striping and marking;
- the plans were revised to show the finished floor elevation;
- the plans were revised to show ground water calculations using soil group B;
- the plans were revised to show pipe flows to be 2' per second where possible;
- the plans were revised to show several different tree types and shade trees were shifted away from curbs and pavement where possible;

- the plans were revised to show minimum shrub planting height to be 18”;
- the plans were revised to show evergreen tree planting detail;
- the plans were revised to indicate tree protection and tree clearing plan;
- the plans were revised to add the light pole foundation;
- the plans were revised to show HDPE roof leaders.

Mr. Lane agreed with all of the above-listed changes.

Ms. Coffey stated that for WMUA, the forced main and manhole were relocated outside of the ROW within a proposed 10' wide easement. The existing water main is now shown on the sanitary sewer profile. The slip of the proposed gravity pipe was increased and the connection to the existing manhole and detail has been added to the plans. Manholes less than 6' deep from rim to invert have been label shallow. General note 5 was revised to specify 40 PVC for laterals and cleanouts.

Ms. Coffey said for Monmouth County, we revised the existing conditions plan and overall plan to indicate the location of the County structure MN-22 and its size, shape and invert. We also revised the Stormwater Management Report and plans to include all of their comments.

Ms. Coffey stated that from the Freehold Soil Conservation District, the top of the grade and spillway are provided in the hydrologic modeling database data entry form. A profile was added on the grassed waterway in the line B profile on sheet 6. Site specific cross sections of each scour hole have been provided on the upper lefthand corner of sheet 6. Profiles of scour holes D1 and E1 are provided in line D and E profiles. Permanent stabilization of the perimeter embankments has been incorporated in the sequence of construction. The point of discharge calculations are now provided in the Stormwater Management Report for soil erosion and sediment control. A cross section of the water way was added onto sheet 6.

Ms. Coffey continued and stated that from the NJ DEP, the Stormwater Management design was revised to contain the water qualities storm with an infiltration depth of 1.5'. The drainage calculations were revised to model type D distribution.

Ms. Coffey stated that the Fire Inspector requested two additional fire hydrants, one at the northern rear and one at the southern rear corner of the building. Emergency access was revised to include a 20' access road with portions at 12' wide. Signage was added noting emergency access only at the depressed curbing on both sides of the emergency access. An additional emergency access driveway was added at the southeast property line.

Ms. Coffey stated that there was a new review memorandum from CME dated September 23, 2019. She clarified the sq ft of the building and it is 57,776 sq ft. Comment 12A was asking for a status update as to the application NJ DOT. Mr. Lane said all the items were addressed with the DOT, we are just waiting for the executed permit to be in hand. Comment 12C regarding the sequencing of sidewalk and curbing - at the time of preliminary site application, the applicant had testified that they would install immediately. We would like to propose to the Board, given that there is a road widening proposed along that road, that we install the sidewalk at this time and be permitted to install the curbing after the road widening is completed so that we don't install the curbing and then have it be ripped out and then re-installed. Mr. Winckowski said he understands not putting a sidewalk in, but we would like to know the limits of the widening and how that effects all of the site. Ms. Coffey said we would propose to put the sidewalk in now, it would just be the curbing that we would suggest we would defer until the road widening was completed. Mr. Winckowski said do you plan to show where the future limits of the road widening are located and the ROW dedication? Mr. Lane said we show the location on the plans. Mr. McNaboe said the applicant agreed to put the curb in. Somewhere that road may be widened as part of your application for the entire 66 acres. If that were the case, are any other variances needed for parking or anything else? Ms. Coffey said no variance would be required with the road widening. Mr. Winckowski said the plans do not show any road widening or any future improvements, so we don't really know that for sure. Ms. Coffey stated the applicant has indicated that they will do the curbs now. The applicant would be happy to work with Mr. Winckowski's office to dedicate the easement. Mr. Winckowski said if the plans needs variances, you need to come back before the Board.

Ms. Coffey said comment 13A asks for a recap of the sanitary sewer service proposed for the assisted living facility and the balance of the site. Mr. Lane stated no changes are proposed. Mr. Winckowski said how are you providing sewer service for lot 1? You are creating lot 1 with the subdivision. Ms. Coffey said currently no improvements are proposed for lot 1, the 56 acre parcel. Mr. Winckowski said we don't recommend approval for subdivisions that create lots that don't a feasible sewer plan. We need some sort of sewer plan for lot 1. Mr. Lane said for the corner piece, the manhole will come across so you can tie in. Mr. Winckowski said for the residential piece - the future subdivision. Ms. Coffey asked for clarification, are you talking about the northeast corner of the exhibit? Mr. Winckowski said basically the remainder of the tract. Ms. Coffey said lot 1 will have a separate site application. The current preliminary subdivision approval was approved with the current set of plans. Mr. Winckowski said the plan that was approved also showed a gravity sewer extension to lot 1. It also showed a reconfiguration of the sewer along Route 33 that allowed a secondary means for sewer to the rear portion of lot 1. That is no longer shown on the plans.

Mr. Cucchiaro wanted to make sure he was clear - so there was an element of the sewer plan that was approved at preliminary that no longer appears on the final? Mr. Winckowski said yes, he believes so. Mr. Lane said our design was to have a pump station from the assisted living facility. Mr. Cucchiaro said that is not what I am asking; the plan that was approved at preliminary - is that somehow different than what you are asking for now? Is that information no longer there? Mr. Lane stated there were preliminary talks of a line going down the highway, but I don't know if that was ever part of this. Ms. Coffey said we just looked at sheet 5 of the final site plan set, which is the grading and utility plan, and Mr. Lane will explain the sewer treatment that is on the plan. Mr. Lane said that it extends down the road, which he believes is no longer feasible to continue further down because there are some issues with Green Acres along the frontage there.

Mr. Winckowski stated sheet 5 is the grading and utility plan for the assisted living lot. That shows a private pump station that is going to be forced out to a gravity manhole that is going to be extended across Woodward. How is sewer going to be provided for lot 1 though? Mr. Cucchiaro asked again, was there a depiction on the preliminary plan that was approved that no longer exists on the final plan that was submitted? Mr. Lane said he knows what was shown and we did request to have a pump station. Mr. Cucchiaro as a fact, is that true? Ms. Coffey said the plans have not changed from what was submitted for preliminary in terms of showing the treatment for the other lots. Mr. Winckowski said he has the preliminary plans that show the gravity sewer extensions across Woodward, and up Woodward, to get sewer to lot 1. Granted there was an alternate sewer plan for the assisted living shown on preliminary for a temporary pump station only for the assisted living. It is his understanding that both plans were actually proposed, because the assisted living was going to go in first before the gravity sewer extensions were able to be completed. Again, how are you going to get sewer to lot 1? Ms. Coffey said it is her understanding that there is no change proposed to the treatment as was shown on the preliminary plan. Mr. Winckowski said you are running gravity sewer up Woodward Road to lot 1? Ms. Coffey said at this time, that is what is being proposed. Mr. Winckowski said that wasn't submitted with your application. Are you going to submit a revised plan showing gravity sewer extension up Woodward Road to lot 1? Mr. Coffey said correct, we are not proposing any changes to what was submitted for preliminary site plan at this point. If we have a change, we would have to come back to the Board and ask for approval.

Mr. Winckowski said it would have been nice to see that on the plans submitted for final. They are conditioning the approval on it. There is no further understanding of the sewer plan. Mr. Cucchiaro asked, if he put the preliminary plan that was approved next to the final plan that is being proposed, is it exactly the same, or is it different? Mr. Winckowski said he does not believe so, because the preliminary plan had two sewer plans - one for a temporary pump station or

force main. Mr. Cucchiaro said what is being depicted, and what is being asked for approval on final, is something more limited than what was approved at preliminary? Mr. Winckowski said he believes so, but they are saying in their testimony that they are extending gravity sewer across Woodward. Mr. Cucchiaro said he was just inquiring about the two plans - if he put the two plans together, they wouldn't match up completely? Mr. Winckowski said, no they don't. Ms. Coffey said she was being told by her team that the sheets are identical and that the applicant has not changed its proposal. Mr. Winckowski said we should take a recess and I can show you the difference in the plans.

The Board returned from their recess at 9:26.

Ms. Coffey thanked everyone for their patience. She stated the applicant now has an understanding of the concerns that Mr. Winckowski had. Ms. Coffey stated that she understands there is room on the agenda for the October 10 2019 meeting and they would like to put together a plan that shows the sewer proposal for the residential and commercial portions and submit that by next Tuesday. Chair Kwaak said she would like to put them on the November 14, 2019 because we have two applications set for October 10th. Mr. Cucchiaro stated the Township Attorney was scheduling a meeting in mid-October with the WMUA and the Board's professionals as well as K. Hovnanian and Stavola to discuss matters. Mr. Winckowski asked if they had filed the TWA application yet? Ms. Coffey said we received CME's sign off on the treatment works approval application on September 19 and it will be submitted to NJ DEP next week. Mr. Winckowski said that it will take 60-90 days just to get your TWA, which is well past November 14 and we'd be happy to work with you until that time to make sure all the other items on the plans are cleaned up. If we have the meeting on November 14th, we are closer to the approval dates.

Mr. Cucchiaro stated that the application of PFM1837-Stavola Asphalt Company will be carried to the Board's November 14, 2019 meeting and there will be no further notice to property owners. Members of the public you can contact Ms. Nosseir to review the plans during normal business hours. Ms. Coffey asked if there are any other issues that they should be aware of that they should be addressing? Mr. Winckowski said the interconnection between the sites should be looked at. Ms. Coffey said that the applicant would suggest that the condition that was associated with preliminary remain in effect, which means it would be revisited when the other two lots are proposed for development. Ms. Beahm said that is the same concern with respect to the easement. Mr. Cucchiaro said we are not coming to a conclusion. Mr. Winckowski said the ROW needs to be dedicated along the frontage for any future traffic improvements that will likely be considered. Mr. Cucchiaro said our professionals are available for any other discussions.

Chair Kwaak opened the floor to the public for any non agenda items. Seeing none, public was closed. The next meeting is October 10, 2019.

Mr. McNaboe said December 1, 2019 is the volunteer breakfast, please send your RSVP to Ms. Nosseir.

Adjournment

A Motion to adjourn the meeting was made by Ms. D'Agostino 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.