

Township of Manalapan

120 Route 522 & Taylors Mills Road
Manalapan, NJ 07726
(732) 446-8350

Planning Board Minutes

Virtual Meeting

October 22, 2020

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: Daria D'Agostino, Secretary

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

Absent from the meeting: Brian Shorr

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

The Board reviewed the Remote Meeting Protocol during a State of Emergency. Mr. Cucchiaro explained that when various Boards and Commissions across the State began holding virtual meetings at a result of the health crisis, there were guidelines that were established by the Department of Community Affairs and we complied with those guidelines. Specific guidelines have been adopted to regulate the virtual meetings. The protocol comes directly from the Administrative Code and we are required to formally adopt these protocols for our meetings.

A Motion was made to adopt the virtual meeting protocol by Mr. Fisher, Seconded by Mr. Brown.

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

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

Minutes:

A Motion was made by Chief Hogan, Seconded by Mr. Fisher to approve the Minutes of October 8, 2020 as written.

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

Resolution:

Mr. Cucchiaro explained that he had received comments from the applicant for Resolution for PBM1514A, Monmouth Heights Community Association and wanted to review the video of the meeting for confirmation. This matter will be carried to the November 12, 2020 meeting.

Application: PPM1823 ~ Countryside Developers, Inc.,
'Manalapan Logistics Center'
203 HWY 33 ~ Block 78 / Lot 12.02
Preliminary and Final Major Site Plan
*Carried from February 27, 2020 to
April 23, 2020: Meeting Cancelled.*

***Carried to June 11, 2020 - Applicant Requested to be Carried to July 9, 2020 - Applicant Requested to be Further Carried to August 13, 2020; Carried to September 10, 2020
Carried to September 24, 2020; Carried to October 8, 2020
Carried to October 22, 2020***

Mr. Cucchiaro updated the Board and stated that the Zoning Board had a hearing to interpret the ordinance in order to see what was permitted in the zone and what the terms meant. The Zoning Board held that meeting last week and they have determined that what is permitted in the zone is a warehouse or a distribution center. You cannot have both. A fulfillment center is not permitted at all under the ordinance. The applicant has to make a determination.

Salvatore Alfieri, Esq. of Clearly, Giacobbe represented the applicant this evening.

Ron Gasiorowski, Esq. represented his client, David Kleyn, and various neighbors in the surrounding area.

Michael Lipari, Esq. appeared on behalf of the Village Grande Neighborhood Association.

Mr. Alfieri stated that during the Zoning Board meeting, we clarified what the distribution center meant. The receipt, storage or distribution of goods or materials to retailers or wholesalers, not to consumers. The application that was filed stated it was for warehouse distribution center. The intent is, and it will be, that this proposal is 100% a distribution center.

Mr. Cucchiaro said since the proposal is 100% distribution center, under the interpretation given by the Zoning Board, the Planning Board would have jurisdiction. It is Mr. Cucchiaro's understanding that the notice that was published for this application adequately informed the public as to what was being proposed. If there are objections to the notice, opposing counsel should let that be known.

Mr. Gasiorowski said the original notice was for a warehouse/distribution center. The public were led to believe that this was what the proposal was going to be. Now it is only going to be a distribution center, so from his perspective, the public was misled.

Mr. Lipari said he agrees with Mr. Gasiorowski's objection to the noticing.

Mr. Alfieri said multiple notices were sent out through the course of the many hearings. The last notice does not have a slash between warehouse and distribution,

it simply says to construct two warehouse distribution buildings' with no slash. The case law is very clear that all one has to do is provide basic information for the general public to understand the nature of the application. We clearly have provided that we have met that level of notice. We meet the statutory criteria.

Mr. Cucchiaro said public notice must be provided so that the common layman would understand or at least appreciate what is being proposed in a nutshell so they can determine whether they would like to seek more information or attend the meeting. The notice is not a substitute for attending the public meeting. The existence of the slash mark in the noticing is not that significant. The word distribution is clearly in all forms of the notice and all members of the public would have known distribution was involved. The applicant satisfied the minimum noticing requirements and he recommends that the Board continues to have jurisdiction. Chairwoman Kwaak was in agreement with Mr. Cucchiaro's analysis of the noticing requirements.

Mr. Alfieri stated his client has looked for alternate ways of getting the trucks to the West as opposed to going all the way to the area which the public is concerned over. The applicant has identified two possibilities, they're not optimistic or pessimistic that either of them can work, but they are looking into it. They are hopeful they will have an answer for the Board by the time they come back. It is Mr. Alfieri's understanding that for tonight's purposes, Mr. Gasiorowski has an environmental expert that is not available tonight. Mr. Lipari is going to present his traffic expert and Mr. Rea is also available tonight.

Mr. Lipari presented Mr. Bahman Izadmehr of Development Engineering of Hackensack, New Jersey to discuss traffic issues. Mr. Izadmehr has his undergraduate and master's degree from the University of Austin, Texas in civil engineering. He has been a licensed professional engineer in New Jersey since 1982. He has appeared before numerous Boards throughout New Jersey. The Board accepted his credentials as an expert in the field of traffic engineering.

Mr. Cucchiaro swore in Mr. Izadmehr. Mr. Izadmehr stated that he has been attendance for the previous hearings and has reviewed the site plans for this proposal as well as all the traffic reports and memorandums that have been submitted. He has not looked at the NJDOT Access Application.

Mr. Lipari asked Mr. Izadmehr to give a summary of the traffic matters for this proposal. Mr. Izadmehr said he is concerned that this site provides over 310 parking space and 103 loading spaces and truck parking spaces. This is going to generate a lot more traffic that what is proposed. He is glad to know the applicant is looking at alternative access points to and from the site. If the Board is considering this application, he would ask the applicant to install a traffic signal directly at the single

access point and there will be no impact for the neighborhoods. It is his understanding that this was discussed at a preliminary meeting with the DOT, but there is nothing in writing. He would like the opportunity to review the alternatives that Mr. Alfieri referred to earlier and hopefully one of them is the traffic signal.

Mr. Lipari asked Mr. Izadmehr if a traffic signal could be installed at the front of the property and if it would be appropriate. Mr. Izadmehr said yes that would be appropriate. Based on his past experience and work with the NJDOT, he doesn't see any problem having a traffic signal at that location on Route 33. Mr. Lipari asked Mr. Izadmehr to talk about the flyover on Route 33. He said first of all, we need to find out if that flyover is designed for such heavy truck traffic. NJDOT will be able to tell us this information. It is a single lane flyover and it does not have a bypass lane and he's concerned about emergency vehicles using the flyover. How will emergency vehicles get through. The flyover comes into a stop sign and there isn't much site distance available for a huge truck to make that left turn to go back onto Route 33 westbound. The noise level and the accident data for the flyover hasn't been studied. The weather can have a big impact, especially snow shutting down the trucks.

Mr. Lipari asked Mr. Izadmehr, based on his review of the submitted materials and attending the virtual meetings if in his professional opinion, that the applicants proposed use of this flyover is inappropriate. Mr. Izadmehr said these issues could be resolved if they could get the access issue taken care of. Access to and from the site remain an issue right now.

Mr. Gasiorowski spoke to Mr. Izadmehr asked if Mr. Rea's report was based upon the fact the proposed use was identified as a warehouse use and he said that is correct. The Zoning Board determined that a fulfillment center would not be permitted on this site. Mr. Alfieri objected and said why are we discussing a fulfillment center which is not allowed in the zone - we are proposing a distribution center.

Mr. Alfieri asked Mr. Izadmehr if there is any other testimony he wants to place on the record as it relates to the current proposal. They reviewed the different ITE categories that could have possibly been used to determine the use of the property. Mr. Izadmehr said we don't know what the exact use will be since there is no tenant identified. We now know it is a distribution center and not a warehouse. Mr. Alfieri said well then how did you pick 156 as the proper classification category? Mr. Izadmehr said he applied different classifications; the applicant has said it could be both warehouse and distribution center. Mr. Alfieri asked if any NJDOT traffic relief would be required for that traffic signal? Mr. Izadmehr said the NJDOT will normally follow the studies and there is engineering judgment that goes along with it, then they will grant relief. There are always exceptions to the rule. Mr. Alfieri asked him if the Board has the authority to deny the application because of off site traffic

conditions? Mr. Izadmehr said there are other options besides a traffic signal. We could improve the existing intersections.

Ms. D'Agostino wanted to double check with Mr. Izadmehr that he did not perform an actual traffic study himself - he just reviewed the data that was available. Mr. Izadmehr said that is correct.

Mr. Castronovo asked about the proposed traffic light at the egress of the property. Is that so the trucks can make a left and go west on Route 33? Mr. Izadmehr said also the trucks could enter if they are coming east and not have to use the jughandle.

Mr. Fisher said he recalls throughout the progress of the meetings that it was stated that there would be too many traffic lights too close together. Mr. Izadmehr said that was not his testimony, it was Mr. Rea's testimony. Mr. Izadmehr said the spacing is based on speed limit and the existing traffic signal and even if we do not meet that certain criteria, there are always exceptions to the rules.

Mr. Cucchiaro swore in Joel Litow, 8 Citation Lane. He stated that months ago there was a traffic study done for warehouses. Now it's a distribution center, the traffic will be higher. Is there a new study for traffic based on the fact that is going to be distribution center? He is concerned with traffic coming from the east near his development. Mr. Izadmehr said the report he studied is based on a warehouse. He is unaware if the applicant is planning on updating that report or not. ITE does not have a lot of data regarding distribution centers. We must rely on data from other sites within New Jersey. Mr. Litow was asking about Pegasus Drive and the U-turn coming east - was that studied? Mr. Izadmehr said there will be about 20% of truck traffic coming eastbound and Pegasus can be utilized. Mr. Cucchiaro asked if he agreed with Mr. Rea's analysis regarding the use of that jughandle? Mr. Izadmehr said he is concerned with the turnaround at this point.

Mr. Castronovo had a follow up question. Based on the traffic light proposal, it is his understanding that trucks make a left from that traffic light into the property? If so, how much of a deceleration lane is there so they could make a left only and has that been considered? Mr. Izadmehr said the light would be for all directions, and required turning bay and whatever is required. All those concerns need to be looked at designed properly.

Mr. Cucchiaro swore in Frank Damadeo, 51 Comtois Road. He stated the New Jersey Turnpike tolls have increased significantly and most traffic coming from the North, get off at Exit 11, go down Route 9 and take the shortest route between two points, which is to come down Tennent Road to Millhurst Road which would ultimately impact the intersection of Route 33, Millhurst and Sweetman's Lane. That intersection simply cannot handle any more traffic, especially truck traffic. Mr.

Izadmehr is not aware of such a study and this question should be for the applicant's traffic engineer. Mr. Cucchiaro said this was discussed at a previous hearing. Mr. Izadmehr said people are going to take the shortest path no matter what and we cannot study all these possibilities.

Mr. Cucchiaro swore in James Chirido, 6 Crawford Road. Now that we now it is going to be distribution center, we should take the highest number which will affect the traffic up to 4.7 times more. Mr. Cucchiaro said Mr. Izadmehr cannot testify as to whether the numbers will be recalculated, but do you believe that the proper analysis took place, or do you think Mr. Rea is accurate? Mr. Izadmehr he would look at that report and if any adjustments need to be made. The access is a huge problem for this site. Mr. Chirido has safety concerns for the daycare and his development. Mr. Izadmehr agreed with Mr. Chirido that volume of the trucks impacts the safety in general.

Mr. Alfieri asked Mr. Rea about the classifications from the NJDOT. Does your analysis, and the application to the NJDOT have to change in any way due to the classification of the distribution center? Mr. Rea said no it will not. It will be classified as ITE Code 150 because we had this discussion with the NJDOT. He believes he has over estimated the amount of traffic for this site. Code 156 is for a parcel facility, like a UPS site and that is not what this will be. Code 154 is defined as a transload facility which has a primary function of consolidation and distribution of pallet loads for manufacturers, wholesalers or retailers. Mr. Rea said 154 would be an appropriate code. He says he has overestimated the numbers by using code 154. He said he did a conservative analysis that the DOT is agreeing with.

Mr. Alfieri said Mr. Izadmehr spoke about a traffic signal at the front of this property. Mr. Alfieri asked Mr. Rea what he believes the likelihood of this happening is. Mr. Rea said we fall short on two items that the DOT would like to see. First, the traffic spacing requirements, which should be one-half a mile. Second, the traffic signal warrant analysis. We do not meet traffic signal warrants.

Mr. Lipari asked Mr. Rea asked if a written application for the traffic signal was ever made. Mr. Rea said it was discussed with the DOT. Mr. Gasiorowski asked Mr. Rea if he was present at all the meetings and Mr. Rea said he may have missed one meeting. He wanted to know if Mr. Rea was present when Mr. Sherman testified that he did not know who the end user was going to be. Mr. Rea said this is going to be distribution center, it is not going to be a UPS-like facility.

Mr. McNaboe said to Mr. Rea that we need to make sure this warehouse fits into the character and the area of Manalapan. There are many traffic questions that our professionals, the Board and the public have and we would appreciate hearing the answers to these questions.

Mr. Cucchiaro swore in Eileen Volpe, 34 Crawford Road. She asked if Mr. Rea ever received anything writing from the DOT regarding the traffic signal and he said he has not. Mr. Rea said it is not unusual to not have written back up for items discussed at pre application meetings. Ms. Volpe says that is hard to believe. What if she called the DOT and got answers? Would you take her word for it, or would you look for something in writing? She would appreciate something in writing. Mr. Rea said the Township can ask for something in writing as well. Mr. Cucchiaro said the DOT reached out to Mr. Rea to respond to the letter. Mr. Rea did respond to the letter and there hasn't been further response from the DOT. Mr. Rea said there wasn't anything in the letter from the Township regarding a traffic signal.

Mr. Cucchiaro stated that Mr. Gasiorowski would like to have his environmental expert testify, but he is not available this evening. Mr. Lipari has some members of the Home Owners Association that want to testify.

Mr. Cucchiaro swore in James Chirido, 6 Crawford Road. Mr. Lipari asked Mr. Chirido if he is a member of the Village Grande Community and if he has attended all the meetings to date. Mr. Chirido has concerns the with U-Turn and safety. Village Grande is off of Route 33 Business West, which is just a two lane road. Trucks coming around the overpass are very dangerous. Trucks will be within 20' of residents backyards. What happens if a truck stalls? Route 33 will have to be shut down and no emergency vehicles will be able to get through.

Mr. Cucchiaro swore in Angela Grandi, 21 Yates Road. Ms. Grandi has lived at the Village Grande for eight years. She has experienced a vehicle accident on the U-Turn. Cars come flying off that road, it is just so dangerous. If you add to that all these trucks, it is going to be impossible.

Mr. Cucchiaro swore in Eileen Volpe, 34 Crawford Road. We all moved here for peace and safety. She requested the Board to take their matters into consideration.

Mr. Cucchiaro swore in Joanne Calhoun. She has no further testimony. She agrees with her fellow residents concerns..

Mr. Cucchiaro swore in Marie Campbell, 3 Yates Road. She lives with her mother and grandmother and they are very concerned with the traffic and is opposed to this project.

Mr. Cucchiaro stated that the Board was prepared to issue its decision tonight, but Mr. Gasiorowski has the right to present the additional witness and Mr. Alfieri has the right to present any more rebuttal. The Board does not want to lose focus on the application and Mr. Sherman is in negotiations. Mr. Alfieri said we are dealing with

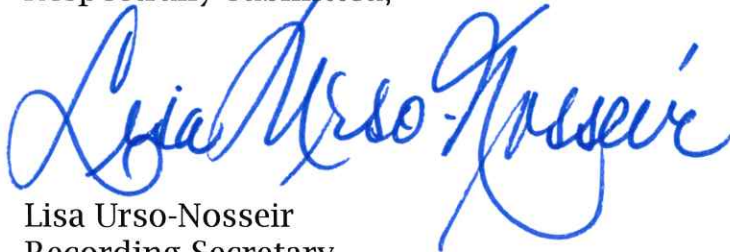
the heirs of the estate for the property in question and hope to have an answer within two weeks. Mr. Cucchiaro recommended that the application be carried to the November 12, 2020 Planning Board meeting.

Chairwoman Kwaak opened up the meeting to the public for any non-agenda items; seeing none it was closed. Mayor McNaboe noted there are only two more meetings left for 2020.

Adjournment

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

Respectfully submitted,

A handwritten signature in blue ink, reading "Lisa Urso-Nosseir". The signature is written in a cursive style with a large, looping initial "L".

Lisa Urso-Nosseir
Recording Secretary

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