

Township of Manalapan

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

Planning Board Minutes

Virtual Meeting

November 12, 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, Brian Shorr

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

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

Minutes:

A Motion was made by Mr. Brown, Seconded by Mr. Castronovo to approve the Minutes of October 22, 2020 as written.

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

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 December 10, 2020 meeting.

Ordinance 2020-22: **An Ordinance Amending and Supplementing Chapter 95, "Development Regulations", Article V, "Zoning District Regulations", Section 95-5.61, "Special Economic Development/ Affordable Housing Zone (SED/AH)", Subsection 95-5.61(7), "Miscellaneous Requirements".**

Ms. Beahm explained that this is an amendment to the existing Ordinance which the Planning Board has already deemed consistent with the Master Plan. The Ordinance is an amendment for an Affordable Housing Site and it makes it very clear that the tree replacement element is not applicable to the zoning for the Stavola tract. It is and remains consistent with the Housing Element and the Fair Share Plan and it is therefore consistent with the Master Plan.

A Motion was made by Mr. Fisher, Seconded by Mr. Brown that Ordinance 2020-22 is substantially consistent with the Master Plan.

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

Application: **PMS1846 ~ Something New Salon & Spa
OLUD Corporation
290 Gordons Corner Road
Block 1207 / Lot 21.03 & 21.05
Preliminary and Final Major Site Plan**

Dennis Galvin, Esq. of Davison, Eastman, Munoz & Paone represented the applicant this evening. Their engineer will explain in detail the proposed improvements to the property.

Mr. Cucchiaro swore in John Ploskonka, PP, PE of Manalapan, New Jersey. Mr. Ploskonka explained that his clients own Something New Salon and Spa which is currently located in Yorktown since 1996. In 2017, they purchased the El Ko

Color Lab building, which is 1,000' to the east of its currently location. The building has been there for many years. There is no legal access for a driveway. The Zoning Board said Trans Equity and Mike Dalton need to sign the application since their driveway is going to be used. An easement was granted for access to the building. Mr. Dalton told the applicant that they had to pay for the easement and this matter went to court. The Judge decided that the easement should have been granted by the Planning Board and should be in effect now. The court order is shown on the plans. The applicants have the right to use that access point to come in and out of their building. The plan before the Board this evening is to improve the façade with 31 parking spaces and to remove the unsafe driveway and replace it with plants and shrubs based on Ms. Spero's comments.

Mr. Ploskonka continued and stated the Salon is currently operating five days a week. Ms. Beahm noted that they need a parking variance due to the number of stylist stations. We have now cut back the number of stylists by four to eliminate the variance. There will now be eight stylists requiring 24 spaces - there are 31 spaces available. This is a half-acre of property and we are seeking a design waiver for the size of the parking stalls. The ground sign is 9' from the ROW and we are going to keep the sign and get a new panel for it. The driveway will be milled and there will be a depressed curb and new striping will be completed. There are some wetland areas behind the building that will not be disturbed. There is no loading zone, deliveries will be taken care of by UPS and regular mail.

Ms. Beahm asked for confirmation that they are removing four stylist stations from the plans which would require 31 parking spaces. Mr. Ploskonka confirmed that we comply with the 31 parking spaces. Ms. Beahm asked about the landscaping and how 15% of the area shall be reserved for landscaping - do you comply, or are you seeking relief? Mr. Ploskonka said we do not comply and are requesting waivers for that landscaping regarding the percentages. Ms. Beahm was asking for specific testimony for the waivers so we can create a Resolution at the end of this event - what about the signage? Mr. Ploskonka said the signage is going to stay, we are going to change the façade. Ms. Beahm said where is the sign located? Mr. Ploskonka said the sign is a pre-existing condition. There is no training done on site - training is done by Zoom to their current employees. Mr. Ploskonka said it is customary and incidental for the operator to hire people and then train them to do their jobs. They are not running a school for outside parties.

Mr. Boccanfuso asked Mr. Ploskonka to explain how the roof mounted HVAC system is changing. Mr. Ploskonka said the architect put them on the side of the building. We need to have the drive aisle there to meet the fire bureau's requirements. We are trying to find a smaller unit, and in the worst case

scenario, they will go on the roof. Mr. Boccanfuso asked Mr. Ploskonka about deliveries and trash collection. Mr. Boccanfuso asked about sidewalks and how they intended to proceed. Mr. Ploskonka said there are no sidewalks in this area and they were requesting a waiver and providing money to the sidewalk fund. Ms. Beahm said they should make a contribution to the sidewalk fund for the future.

Mr. McNaboe asked if the dumpsters would be in an enclosure and where they would be located. Mr. Ploskonka said they do not have a lot of garbage, but it will be in the left rear corner. Ms. Beahm said it should have a masonry enclosure. Mr. McNaboe asked about the repairing of the potholes. Mr. Ploskonka said they intend to patch up all potholes and resurface the parking area. Mr. Ploskonka would like to meet with Mr. Boccanfuso at the site and will comply with Mr. Boccanfuso's recommendations. Mr. Ploskonka said he will put in the bollards. Mr. McNaboe wanted to know more about the cross easements. Mr. Ploskonka said the gas station put up the bollards.

Chairwoman Kwaak asked about the exhibit that depicts the bollards and the concrete. Is the applicant going to make that concrete section parking? Mr. Ploskonka said they are going to take that area, close off the driveway and put parking along that whole side in order to get to the 31 parking spaces. Chair Kwaak asked if the applicant is considering a generator. Mr. Ploskonka said that is not part of this application.

Mr. Castronovo asked which driveway is the primary entrance - the easterly one or the westerly one? Mr. Ploskonka said the driveway in front of the building is a two way street. The employees will park in the back.

Ms. D'Agostino asked for confirmation that all parking spaces will be 9'x 18'? Mr. Ploskonka said that is correct. Mr. Galvin said they will be hairpin. Ms. D'Agostino said there is a slope and it can be difficult to see the traffic and the shrubbery should not block the exit any more than what it is now.

Mr. Fisher asked if there is a rendering of the building showing what it will look like when it is completed? Mr. Ploskonka says it has to be fine-tuned based on Mr. Boccanfuso's comments. Mr. Testa is the architect and the building will be greatly improved. Mr. Cucchiaro asked Mr. Ploskonka to share the document depicting what the building will look like. Ms. Beahm said she needs to see exactly what is being proposed - you cannot fine tune it and receive both Preliminary and Final approval this evening. Mr. Galvin said you are looking at the final plans for the building and it will be stucco and stone. Mr. Ploskonka said they will submit a colored rendering before any resolution compliance is completed.

Mr. Kastell asked about the landscaping as well as the 90* parking against the building and still have two-way traffic. Mr. Ploskonka said we have a 24' aisle and 9 x 18 spaces against the building. The impervious coverage is 75% and they meet the code.

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

A Motion was made for Preliminary and Final Site Plan Approval with Ancillary Variance and Design Waiver Relief subject to all the conditions that were reviewed this evening for application PMS1846 by Mr. Fisher and Seconded by Mr. Castronovo.

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

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; Carried to November 12, 2020*

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. was not present this evening.

Mr. Cucchiaro swore in Blaine Rothauser, Senior Ecologist with GSE Environmental. He is an expert in the ecology and environmental field and has been practicing for over 35 years. The Board accepted Mr. Rothauser's credentials.

Mr. Gasiorowski retained the expert witness testimonial of Mr. Rothauser. He asked Mr. Rothauser how he prepared himself in order to testify this evening. Mr. Rothauser listened to the previous hearings, read the minutes of past meetings and studied the Site Plans and the Environmental Impact Statement prepared by Maser Consulting. He read the Professional's reports, the Millhurst Lake Analysis, the Ordinance regarding redevelopment and he viewed and walked the site from the perimeter. He walked the natural areas in the backyards that abut the site. He is concerned that looking at the site in November when different species are not active does not provide a clear analysis of the area. Certain plants are in the critical sensitive habitats and the botanical elements, but they are not active during November. Therefore an EIS written with data from November is not going to be ecologically accurate. Several species of birds and trees that he observed in his five hour examination of the property are not even listed in the Maser report. Mr. Rothauser said that no one did their homework to provide the proper vetting of the environmentally sensitive area.

Mr. Cucchiaro stated that the Board is going to follow the rules and regulations of the NJ DEP. Mr. Cucchiaro asked Mr. Rothauser to speak to the merits, or lack or merits, in regard to the relief that might be needed from the Township's Stream Corridor Ordinance and if the applicant has satisfied its burden of proof.

Mr. Rothauser stated that the applicant is not going to maintain the wildlife corridors - they are going to create a fragment in that zone. The ecological integrity of the zone is going to be eliminated. He does not believe they satisfy the burden of proof. The area is going to be negatively impacted.

Mr. Alfieri asked Mr. Rothauser about the site visit he went on. Mr. Rothauser said he walked behind legally accessible homes that he was allowed to walk in their yards. He went to the Manalapan Brook on Route 33 and spent a considerable amount of time in that area. Mr. Alfieri asked him to describe in detail the actual area where the disturbances are to take place. Mr. Rothauser said he couldn't describe the exact area. He read the EIS, looked at the aerials of the area - he still sees naturalized and agricultural fields that abut this zone. It is mapped as wetlands around the proposed parking area. Mr. Alfieri said the applicant does not violate the ordinance, it's just that you don't have enough information to make a decision. He goes by the information that has been provided to him. Mr. Alfieri asked if the Board or the DEP have any authority to allow the disturbance such as the one that is being proposed in this application? Mr. Rothauser said if there was proper vetting regarding endangered species. Mr. Alfieri asked if he reviewed NJ DEP Permits for this area?

Mr. Rothauser said yes he reviewed them, but they are not in his report. Mr. Alfieri said to Mr. Rothauser that he did not believe he reviewed the NJ DEP Permits because the DEP withdrew their original decision and issued a new one for 150'. The applicant is going to provide additional plantings where there is agricultural activity. Do you believe that is going to enhance the area? Mr. Rothauser said he would have to evaluate the plans. Mr. Alfieri said did you go on the Township website to view all the reports that have been submitted by the applicant throughout the course of their hearings? Mr. Rothauser said he concentrated on Maser's EIS. Mr. Alfieri asked where did he get a copy of the EIS? He said he received it from Mr. Gasiorowski.

Ms. Beahm asked Mr. Rothauser about the reference he made previously about her letter to the Zoning Board. Mr. Rothauser said it was given to him by Mr. Gasiorowski's office. Ms. Beahm said she never wrote such report.

Ms. D'Agostino asked if Mr. Rothauser believes that this property should not be developed? Mr. Rothauser said it's not for him to decide. What remains will be severely impacted by this development.

Mr. Ginsberg asked Mr. Rothauser what he would recommend to be the best use for this property. Mr. Cucchiaro said that isn't anything that the Board can consider. We have a permitted use in front of us and that is what we are discussing. Mr. Ginsberg said he'd like to rephrase his question: based on what is permitted in the zone, what would you consider that best option? Mr. Rothauser said he can't opine on this. Mr. Cucchiaro said to the extent an applicant needs relief, they need to prove what they need to prove to get such relief.

Chief Hogan asked Mr. Rothauser if he would typically ask a property owner if he could view their property in order to compile an accurate report? Mr. Rothauser said he always has to be respectful of other's property. Chief Hogan asked if he asked the applicant if he could walk on their property. Mr. Rothauser said he did not ask since he already knew the answer. Mr. Cucchiaro said you could have asked, but you made a decision not to.

Mr. Cucchiaro swore in Fortunata Guarino, 13 Saulter Court. Ms. Guarino said the Planning Board has a responsibility to the residents in this area and we need the Board makes sure we have a safe environment. Please choose the greater good to protect us.

Mr. Cucchiaro swore in Dave Raposa, 32 Homestead Road, Tewksbury, New Jersey. Mr. Raposa's wife is one of the heir's to the estate of the applicants property. Mr. Raposa asked what crop was being grown at the time? Mr. Rothauser said it might have been hay. Mr. Raposa said a farm has the land turned over and over, fertilized, etc. This land has been disturbed for years, over 80% of the farm has been disturbed

for typical farming and harvesting. Was your report done to your client's directive? Mr. Rothauser said he provided the efficacy of the Maser report.

Mr. Alfieri said he has three rebuttal witnesses that he would like to testify this evening, including Ray Walker and Julia Algeo both of Maser Consulting.

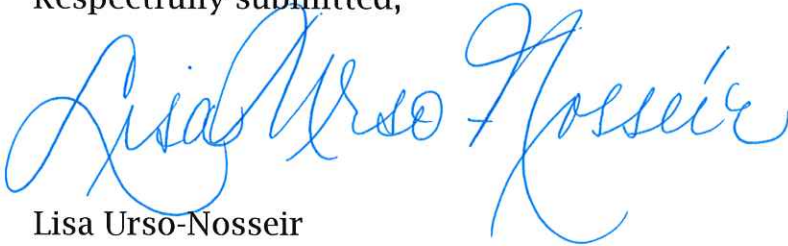
The Board and the applicant agreed to carry this application to December 10, 2020.

Chairwoman Kwaak opened up the meeting to the public for any non-agenda items; seeing none it was closed.

Adjournment

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

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary