

Township of Manalapan

120 Route 522 & Taylors Mills Road

Manalapan, NJ 07726

(732) 446-8350

Planning Board Minutes

Virtual Meeting

February 25, 2021

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

Absent from meeting: All Present

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. Fisher, Seconded by Ms. D'Agostino to approve the Minutes of February 11, 2021 as written.

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

No: None

Absent: None

Abstain: None

Not Eligible: Hogan, Shorr

Resolution: **PAM2050~Toubin Realty, LLC**
 333 Route 9 ~ Block 10 / Lot 19
 Amended Preliminary and Final Site Plan

A Motion was made by Mr. Castronovo, Seconded by Mr. Fisher to approve the Resolution for PAM2050-Toubin Realty, LLC, as written.

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

Application: **PAM2057 ~ KPL CR, LLC**
 "Sunny Days School"
 100-300 Craig Road ~ Block 2503 / Lot 21.10
 Amended Preliminary and Final Site Plan

Salvatore Alfieri, Esq. appeared on behalf of the applicant. This is an application for site plan approval to install a fence around the grass area for Sunny Days School.

Mr. Cucchiaro swore in Brent Papi, owner of East Point Engineering and is he is a licensed engineer in the State of New Jersey for over 20 years and he has appeared before the Planning Board in the past. The Board accepted Mr. Papi's credentials.

Mr. Papi prepared the plans that are before the Board this evening. Mr. Papi shared an aerial image with the Board which has been previously submitted and will be marked Exhibit A1. The property is located at 100 Craig Road and is 6.7 acres. The property has frontage along Craig Road. The property is developed with an existing office park with three two story office buildings. The school is located at building A. Mr. Papi shared the site plan on the screen and is marked in as Exhibit A2. The applicant is seeking to propose a 4' high fence and gate at the westerly side of building A to create an outdoor play area for the school. There is an existing walkway from the entrance to the school. The applicant has agreed to install a 4' high vinyl fence and it will comply with all the Township ordinances. They are not proposing any playground equipment, just the fence. The trees in the area will remain as is.

Mr. Alfieri added that there are no variances triggered by this proposal. There is an area referred to as slopes that are 8-9%. Mr. Papi showed the Board where the contours and slopes are existing. The area will remain a grass area for the children. There is not a need for ADA requirements for this area. An existing tree will remain and the fence will be installed around the tree.

Mr. Cucchiaro swore in Tom Giannone, facilities manager for Sunny Days School. Mr. Giannone explained to the Board that the school is a therapy center for children 3-18. There are one-on-one therapy sessions with a designated therapist and a child with different therapies ranging from speech to physical therapy, focusing on the Autism spectrum. Sunny Days School has occupied the building for a few months now and it is regulated by the Board of Health of The State of New Jersey. The intention of the fenced in area is to give the children a break from the indoor sessions and allow them to go outside safely. The children will always be supervised with their therapist. The slope will not in any way impact the use of the area. There are 14 therapy rooms in the building and the hours of operation are 8:30-6:00 and reduced hours on weekends.

Mr. Boccanfuso didn't identify any variances on the plan. The ADA requirements will be reviewed by the Construction Department. There is no equipment and the slope will be acceptable.

Ms. D'Agostino asked if the fencing is vinyl and that was confirmed that it is.

Mr. Castronovo asked if the gate opening is sufficient for a lawn mower to get in. Mr. Giannone said it would be acceptable.

Mr. Jacobson asked if the fence was a solid vinyl and again that was confirmed.

The floor was opened to the public for this application and there were no questions or comments raised.

A Motion was made by Mr. Castronovo, Seconded by Mr. Fisher to approve Planning Board Application PAM2057, KPL CR, LLC, "Sunny Days School".

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

**PPM2031~ K. Hovnanian at Manalapan V, LLC,
"Pinebrook Crossing"
Wilson Avenue @ Sobeckko Road
Block 30 / Lots 2, 3.01, 3.02, 4 & 7.01
Preliminary and Final Major Subdivision
Preliminary and Final Major Site Plan
Carried from January 28, 2021**

Salvatore Alfieri, Esq. appeared on behalf of the applicant, K. Hovnanian, for the application of Pinebrook Crossing.

Mr. Cucchiaro reminded Mr. David Fisher, Vice President, Governmental Affairs for K. Hovnanian Homes, North East Division - Edison, New Jersey that he remains under oath. Mr. Fisher recapped what was happening with the application. They did make some plan revisions that were submitted to the Township on February 12, 2021 and distributed. The revised engineering plans addressed a number of issues, including the elimination of the drainage pipe behind the condo buildings. There will now be more room for landscaping beyond those buildings. We now have a short retaining wall to adjust the grading for the 8' high fence. There will be about 150 evergreens and shrubs installed as well. The drainage is pulled out from the parking lots into the streets that will connect to the other drainage system. We have adjusted the road grade and we tied in the roof drains from the market rate townhomes so they connect to the drainage system. There will be less surface runoff now.

Mr. Fisher continued regarding the improvements along Sobeckko Road. We have consulted with the Township Committee on how we can cooperate with the Town and the Englishtown Auction property to ensure that the entirety of Sobeckko Road is paved, that it is not done in a patch-work manner. The Township is willing to discuss installing curbing and whatever drainage is necessary to modify this and leave the paving to a later date so that it is all done at one time.

Mr. Cucchiaro asked Mr. Fisher if there would be a condition that references a future developers agreement that would layout the responsibilities of each party with regard to the improvements? Mr. Alfieri said yes, we would do that through the Township Committee with the developers agreement.

Mr. Fisher said he spoke to Ms. Beahm about the design and location of the refuse containers and we came up with a more specific design. Ms. Beahm is satisfied with the result.

Mr. Fisher also submitted two variances that our professional planner will use to reference as she points out to the Board that we are asking relief from. It deals

with relief with the depth of the decks on some townhome buildings that protrude slightly into the 40' buffer. The other variance is for the two entrance signs and we have modified our signs to minimize our request for 6". The fence behind the four condo buildings shows a 8' high fence instead of a 6' high fence. Ms. Coffin will go into further detail on these variance requests.

Mr. Cucchiaro said there are three categories of variances - there are seven individual variances for the decks and two individual ones for the signs and one for the fence. A total of 10 variances in three categories.

Mr. Boccanfuso agrees with Mr. Fisher's changes to the plans and said the landscaping will buffer the adjacent neighborhoods. Regarding the Sobechko Road improvements, Mr. Boccanfuso agrees with Mr. Fisher's assessment of the situation whereby the entire road can be paved in one clean job.

Ms. Beahm wanted confirmation that the trash enclosures can accommodate both trash and recycling and Mr. Fisher said they are sufficient to cover both. The cabinets will be made of cedar and the location is off of Sobechko Road.

Mr. Shorr asked about the fence around the tot-lot. Mr. Fisher said it is a 4' vinyl fence. Mr. Barry Fisher asked if there will be any signage preventing the woods from being disturbed. Dave Fisher said we could put an applicable sign to mark the edge of the wetlands transition area as a protected conservation area. Barry Fisher asked about solar panels. Dave Fisher said for these type of townhomes and the price point, he does not think they are likely to install the solar panels. Barry Fisher asked about handicap parking. Chairwoman Kwaak said the engineer will handle that question.

Mr. Brown asked about the size of the patios for the condos and Mr. Fisher said they will be 6' x 8'. Mr. Brown said is that big enough for a grill and picnic table? Mr. Fisher said yes this size will work. Mr. Brown asked about the basin and if there is any passive recreation around the pond, such as benches or a walkway. Mr. Fisher said we didn't propose any, but there is emergency access.

Jason Burneyko, PE from DW Smith Associates remained under oath. He explained the types of plantings at the basin. They are variety of evergreens, ornamentals and shade trees. The fence around the basin is a three rail post fence with chain link fabric around it. The fence around the tot-lot is a 4' aluminum fence. Handicap spots will be provided and there will be 13 stalls where six are required and they are spread out throughout the area.

Mr. Boccanfuso asked Mr. Burneyko about the stub access on Road B and asked if it conforms with RSIS. Mr. Burneyko said we revised that for the maximum allowable 5% slope. Mr. Boccanfuso asked about the wet pond going to the

Pinebrook. Are there easement rights that go through the auction property? Mr. Burneyko said it goes through Sobechko Road through the auction property to the Pinebrook. Mr. Fisher said it doesn't show up as an easement on the tax maps. We can ask the Englishtown Auction if they can produce an easement for that drainage system that was installed years ago. Mr. Boccanfuso said without an easement, what you would have is a storm sewer outfall that could be eliminated by a third party. That could present a problem for your development, and for Sobechko Road. Mr. Fisher said he hopes the auction will provide us with an easement. Mr. Cucchiaro said that the appropriate property rights should be secured and part of the developers' agreement. Mr. Alfieri said that is fine.

Mr. Castronovo had a question regarding the parking, but he will wait for Mr. Rea's testimony.

The Board took a five minute recess.

Mr. Cucchiaro swore in John Rea, licensed engineer who has appeared before the Board on many occasions and will be testifying as a traffic expert this evening. Mr. Rea's office prepared the traffic analysis for this project. The traffic impact study was created July 21, 2020 as well as a December 18, 2020 response letter to the CME review letter. Mr. Rea explained to the public how he performs a traffic study and how the roadways and intersection have the capacity to safely operate with a new development. He explained the different levels of his studies.

Mr. Rea made numerous visits to the site during peak and off-peak times, including Saturdays when the auction is open. Traffic counts were conducted in March 2020, prior to COVID shut downs at Wilson, Pension and Sobechko Roads. Our March 2020 traffic volumes were adjusted upward 20% for the morning peak hour, and 10% for the evening peak hour and 10% for the Saturday peak hour. We focus on the Monday - Friday peak hour times. But because of our proximity to the auction and knowing how much traffic the auction generates on weekend, we also did a Saturday analysis. There are three points of access for Pinebrook Crossing. He showed the three points on the site plan, including the Wilson Avenue and the two on Sobechko Road. There are three ways to enter and exit this development. At the Wilson Avenue access, the level of service for a.m., p.m. and Saturday peak hour is a B level of service, so that is an acceptable level of service. At the intersection of Sobechko Road and Wilson Avenue, we have a level of service of E due to the auction traffic and B level of service for the morning and afternoon commuter hours which is acceptable. At the intersection of Sobechko Road and Pension Road, the highest peak hour occurs during Saturdays, and it will operate a level of B. The one conclusion that the

traffic impact study came to is that the three points of access are appropriate and spread the traffic out well and operate at acceptable levels of service. There is a backup that is an issue because there are paid parking lots along Sobechko Road and currently there is a fee, and as a result of people having to stop to pay, traffic backs up on Sobechko Road and towards Wilson Avenue. The parking lots on the south side of Sobechko Road, they are going to become free parking lots and traffic entering those lots will no longer have a fee, and the backup will be eliminated. Also, Mr. Rea has spoken to Mr. Campbell of the Englishtown Auction and he has met with the Manalapan Police Department regarding traffic conditions and the auction has agreed to certain items which will have a positive impact on traffic and vehicle circulation in the area and in particular, pedestrian safety. The auction hires a traffic control officer for the intersection of Wilson Avenue and Sobechko Road during the weekend peak hours. The food trucks on Wilson Avenue generate a lot of pedestrian traffic and the police assist with that foot traffic. The auction will continue to hire that traffic control officer. The auction has agreed to take the parking lots on the south side of Sobechko Road and line up the pedestrian access from those parking lots with the openings that are in the fence on the north side of Sobechko Road to provide access to the auction. Crosswalks and signage will also be provided. Pedestrians from the parking lots will have designated openings to move freely to get to the crosswalks without having to walk along Sobechko Road. When this project is done, there will be a net increase in the number of parking spaces.

Mr. Rea continued regarding the parking. He explained how this parking proposal is going to work positively. The 250 units require 573 parking spaces for this community. We are providing 877 parking spaces. Each of the 175 market rate townhomes is going to have a two car garage and a two car driveway combination. That is counted as 3.5 parking spaces under the RSIS. In addition, there are 164 perpendicular spaces that have been located off the circulation roads within the community that shared parking spaces that can be used by residents and visitors. In addition, by the five condo buildings, there are driveway and garage combinations at those locations that also serve the homeowners on the second floor of those five condo buildings. The homeowners on the ground floor, and there are five units in each building for a total of 25 units, which do not have a garage and driveway combination, they will have sufficient parking areas within the buildings that can accommodate that activity. Instead of the required 40 spaces, we are providing 60 spaces. We have exceeded the RSIS for what is required for that community. He visited the duplex community of Briarheath. Their parking situation is different because they have 30' wide streets and parking is permitted on both sides of the street. There is no off street parking for Briarheath either. They rely on on-street parking. They only have a one garage and one driveway situation. Mr. Rea also visited Oak Knolls and Oak Ridge communities to see their parking situation.

Again, they have one car garage and one car driveway combinations. The parking situation at Pinebrook Crossing will be more than adequate. Mr. Rea has spoken to the County regarding the application. There is an active application with the Monmouth County Planning Board which they are reviewing. He believes their access to Wilson Avenue will be approved. Mr. Fisher agrees with Mr. Rea and he said the County spoke to him regarding the frontage along Wilson Avenue. They want a wider ROW and they want the improvements along the entire frontage including curbing and drainage. Mr. Rea spoke about the bus stop and whether they would extend the sidewalks and Mr. Fisher said that is correct.

Mr. Boccanfuso said we are in uncharted territory due to the COVID situation when we are trying to analyze the existing traffic situation. However, Mr. Rea did say they did the traffic studies in March 2020 right before the lockdowns. Mr. Rea did review the historical analysis from 2016. Mr. Boccanfuso asked Mr. Rea to please speak about the no-build level of service for Saturdays.

Mr. Rea said no-build level of service was a D level. As a result of our project, the level went to E, but that is under the assumption that a good portion of traffic would actually use that intersection. There are other ways to get in and out of the development. Service D relates to 25-30 seconds per vehicle. Level of service E is between 30-50 seconds of delay. There will be some additional delay of 5 -10 seconds per vehicle for Saturdays.

Mr. Boccanfuso asked Mr. Rea about his conversation with Mr. Campbell about pedestrian traffic and traffic control. Are those modifications a part of this application, or is it something the applicant is agreeing to? Mr. Rea said he does not believe it is part of the application. We wanted to do whatever we could do to coordinate with the auction to minimize some traffic issues. Mr. Cucchiaro said when you gave your testimony tonight, was it based upon or did it rely upon, these agreements being brought to fruition? Mr. Rea said no it did not. He was aware of the conditions based on his observations and it wouldn't change my testimony. Mr. Fisher said the improvements are in the works. Mr. Cucchiaro said we cannot take that into account. For purposes of the Board, do not take into account any of those improvements, there are no agreements that we have seen. We have heard good faith intentions and you have to make your decision as if none of those things happened.

Mr. Boccanfuso asked about parking. He agrees that the parking requirement of 573 exceeds the requirement. Mr. Cucchiaro said if the applicant is relying on two parking spaces in the garage, then there needs to be deed restrictions in the HOA documents telling people they need to have a car in the garage and not use it all for storage. Mr. Fisher said we will develop some language for that and in fact the Fire Bureau asked for the prohibition of converting garages into living

space. It will be in the HOA documents. Mr. Castronovo asked how is this going to be enforced? Mr. Cucchiaro said it is difficult, but the HOA will have to enforce their rules. Mr. Fisher said he can come up with some language. Mr. Cucchiaro said the language must be compliant with RSIS and can be a condition of approval.

Mr. Boccanfuso said the affordable units have a single wide driveway and single garage, which can be even more of an issue. There are in fact only two spaces. Whatever agreement we arrive at, it needs to include the single car garages in the affordable units. There is also a requirement for guest parking. Mr. Rea said we need 0.5 visitor spaces per unit, and we do meet that requirement. The 25 ground floor units in the condo buildings will need 50 of the 164 spaces. That would leave us with 114 for the visitor parking and the calculation requires 112, so we do meet the visitor parking requirement.

Mr. Boccanfuso asked what plan is in place to ensure patrons of the auction will not be parking in the development? Mr. Rea said we believe with the changes that the auction is going to make and the net increase with the parking spaces, it should not be a problem. There will be signs posted at the entrance to the community and parking is not permitted.

Mr. Boccanfuso asked Mr. Alfieri about the Title 39 enforcement. Will the municipality have the ability to ticket people who aren't residents of the community? Mr. Alfieri said the condo association is going to have to monitor and control it. Mr. Cucchiaro said the HOA also have the ability to contract with private towing companies to remove cars that are illegally parked. Enforcement in general is challenging.

Mr. Boccanfuso asked about Road C and the intersection near Road A and the tot-lot. Is there the ability to provide additional parking in that area? Mr. Rea said we have looked at that and he sees three areas that total 16 parking spaces and another area that has 9 parking spaces. We don't believe the tot-lot is going to generate a lot of parking because it is generally within walking distance of most of the homes in the community. Mr. Boccanfuso asked about the 15' wide road is feasible due to the drainage. He would support a waiver as long as the curbing is installed and the drainage system is evaluated.

Ms. Beahm asked the exception for the width of the driveways. Mr. Rea said the driveways widths are going to be 18' in front of the two car garages. The 18' does provide for 9' wide parking spaces. This applies to all of the market rate townhomes.

Mr. Jacobson asked Mr. Rea about the level of service. Mr. Rea said it would be a B level of service entering the development. It is a weighted average.

Mr. Castronovo asked about the RSIS factors with the 573 spaces. Does that account for the number of bedrooms for each unit? Mr. Boccanfuso said yes it does. Mr. Castronovo said what if there are five cars? One car must be in the overflow parking. Reality is, people are going to take the spot next to their unit and leave the driveway open. What about the snow that will occupy spaces? This is disaster waiting to happen. Even if they meet the RSIS standards, he does not believe there is sufficient parking. Mr. Rea said a dedicated left turn must be discussed with the County.

Mr. Brown asked if there could be a shared parking lot situation? Mr. Fisher said we could have that conservation with the auction. It could be difficult during the auction times, but it's not a bad suggestion and we'll talk to the auction about that.

Chair Kwaak asked about the parking and if the spots are assigned or numbered? Mr. Fisher said there is one exception. The condo building that is near the top needs five spaces for the ground units. The head in parking for that one condo building will be marked with pavement markings for those units. Other than that, the spots will not be designated. Chair Kwaak asked if by chance someone did park on the street, can emergency vehicles get through anyhow? Mr. Rea said there will be no street parking signs and the police will enforce parking restrictions. Mr. Rea said there would be enough room for an emergency vehicle to get through. Chair Kwaak asked what time did Mr. Rea do the parking studies? Mr. Rea said he was at the auction by 11:00 am.

Ms. D'Agostino asked if the residents should have a sticker or permit on their cars indicating that they belong in the development? Mr. Fisher said we can take that into consideration.

Mr. Barry Fisher said he has had a tow truck company post an ordinance and a picture of a tow truck. It worked effectively. He also asked about the handicap spots. Mr. Rea said that there are 13 spots spread out throughout the development.

Mr. Kastell asked what if the Racetrack might reopen? Mr. Rea said he studied summer traffic volume from 2016. We used those traffic volumes and it has been accounted for. Mr. Kastell said Wood Avenue can get so crowded. Have you considered that people might use the internal streets within the development to cut through as a shortcut? Mr. Rea said there shouldn't been a need for people to use these streets as a cut through. Mr. Kastell said Road A does not have enough parking at all. Counting the two spots in the garage, and the two cars in the driveway, how are the cars possibly going to get out? There is no grass to move the snow to - it's just driveway after driveway. He does not

believe this design is feasible. The units are 22' wide, the driveways are 18' wide. How does this make sense architecturally? Mr. Fisher showed Exhibit A3, the three story townhomes with two car wide garage and a double driveway. The garage door is 15' wide and 20' deep, 17' wide. Mr. Fisher said this design does function.

Mr. Cucchiaro asked if there are any RSIS requirements for the width of the garage to accommodate both cars? Mr. Rea said only for the driveway, not the garage. The driveways are either 18' long or 20' since they are staggered.

Mr. Cucchiaro announced that PPM2031, Pinebrook Crossing, will be carried to the Board's March 25, 2021 meeting. All the materials can be assessed on the Township website. Mr. Alfieri granted an extension to the Board to March 31, 2021.

Chairwoman Kwaak opened the floor to any non agenda items.

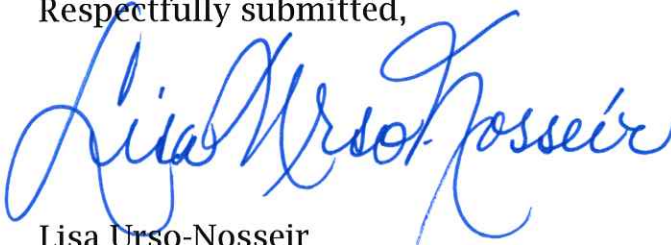
Mr. Cucchiaro swore in Michael Malizioso, 32 Dorthmunder Drive. He lives in Briarheath and he explained that a landscaper continues to park his trucks on the street, as well as pull trailers. The vehicles leak gas and oil. He has reported to the Township and the EPA. He said something needs to be done by zoning. Chair Kwaak asked he if complained to the Zoning Officer. He said he will. Ms. Nosseir said if it is an issue in the street, it's the police, not zoning. Mr. Cucchiaro said if it's a zoning issue it doesn't matter where it is. He said we do not have enforcement power but he would recommend that he contact Nancy DeFalco.

Mr. McNaboe said there will be special meetings necessary for the new applications.

Chair Kwaak reminded the Board that the next meeting is March 11, 2021.

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

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary