

**Township of Manalapan**  
120 Route 522 & Taylors Mills Road  
Manalapan, NJ 07726

**Planning Board Minutes**  
**November 9, 2023**

The meeting was called to order with the reading of the Open Public Meetings Act by Chairperson Kathryn Kwaak at 7:34 p.m., followed by the salute to the flag.

Ms. D'Agostino read the TV Disclosure Statement and took the Roll Call of the Board.

In attendance at the meeting: Todd Brown, John Castronovo, Daria D'Agostino, Barry Jacobson, Kathryn Kwaak, Jack McNaboe, Chief Richard Hogan, Brian Shorr, Nunzio Pollifrone

Absent from meeting: Barry Fisher, Steven Kastell

Also present: Austin Mueller, Alt. Planning Board Attorney  
Brian Boccanfuso, Planning Board Engineer  
Jennifer Beahm, Planning Board Planner  
Nancy McGrath, Acting Planning Board Secretary

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

**Minutes:**

A Motion was made by Chief Richard Hogan and Seconded by Todd Brown to approve the Minutes of September 28, 2023 as written.

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

**Resolutions**

**Appointing Recording Secretary** - Chairperson Kwaak nominated Nancy McGrath and a Motion was made by Chief Hogan and Seconded by Mr. Castronovo to approve Ms. McGrath as the Recording Secretary for the remainder of 2023.

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

**2023-13 Amended** - An Ordinance of the Township of Manalapan Amending Chapter 95, "Development Regulations", Article V, "Zoning District Regulations", Subsection 95-5.6N", "AH-AP Affordable Housing of the Code of the Township of Manalapan

A Motion was made by Mr. Jacobson and Seconded by Mr. Brown to approve the Resolution for Amended Ordinance 2023-13.

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

## **Applications**

### **PMS2314 ~ Vincent Tornatore**

45 Saupe Drive ~ Block 339 / Lot 12.01  
Two-Lot Minor Subdivision

Mr. Mueller made the announcement that application PMS2314 will be carried to the January 11, 2024 meeting. All application documents are available at the Town Hall for viewing and no further noticing required.

### **PMS2238 ~ Monmouth Battlefield Flex Co., LLC**

Route 33~Block 79.02/Lots 2, 3 & 5  
Preliminary & Final Major Site Plan - Flex Space

Mr. Mueller made the announcement that application PPM2238 will be carried to the January 11, 2024 meeting and no further noticing required.

### **PMS2321 ~ Mill Contracting, LLC**

705 Tennent Road ~ Block 11 / Lot 32  
Amended Site Plan

Chairperson Kwaak gave an overview of the plan stating it is an amended Preliminary and Final Site Plan approval with a bulk variance that came from the Zoning Board to the Planning Board.

Mr. Salvatore Alfieri, the attorney who represents the applicant gave a summary of his client's business. Frank Berardi, owner of Mill Contracting is a general contractor and this location will be his business office. The hours of operation are 8am – 5pm Monday through Friday and occasional Saturday hours. There will be 3-4 employees on site. The new floor plan will show three offices plus a design center. The design center will be used as a conference room for customers to pick out materials or appliances but it is not a showroom, only catalogs and computer/lpad. There will be no construction vehicles or deliveries on site. The construction employees work offsite but they may come to the office to pick up plans, order forms, or paychecks. There will be no outdoor storage of any kind and no construction material or equipment on site. The basement will only be utilized for storage and no office space.

Mr. McNaboe questioned why this application originated with the Zoning Board. Ms. Beahm explained a commercial business cannot just file a variance like a single-family homeowner would in this situation. This requires a minor site plan application requesting a bulk variance and since this is a permitted use, it belongs with the Planning Board.

Mr. Alfieri introduced exhibit A1 which are photographs (3 sheets 2 per page) showing existing conditions and exhibit A2 (1 sheet) showing the proposed front elevation.

Mr. Mueller swore in Mr. Marc Leber, Professional Engineer and Planner for the applicant. Mr. Alfieri introduced Mr. Leber and had him state his credentials and give an overview of the site.

Mr. Leber stated he is employed by East Point Engineering in Marlboro, and summarized his education and experience before the Board. Ms. Kwaak deemed his credentials sufficient to testify.

Mr. Leber's office prepared the site plan for this application. He explained this is an irregularly shaped lot - 150' wide and 130' deep with a total lot area of 19,981 sq. feet. This location was previously a chiropractor office and to the left is a florist, to the right is an accounting firm. Across the street is a car wash and a grocery store (Net Cost).

The building is a one-story building with a residential appearance and is about 1315 sq. feet. There is a paved parking lot to the right of the building and fits approximately 8 cars.

This property is located in the RT (Residential Transition) zone and Mr. Leber described the pre-existing non conformities.

- Minimum lot area: required 40,000 sq. feet / existing 19,981 sq. ft.
- Lot frontage: required 200 feet / existing 164.4 ft.
- Lot width: required 200 feet / existing 162.2 ft.
- Lot depth: required 180 feet / existing 105 ft.
- Minimum side yard setback is 25ft / left of the building is only 14.4 ft.
- Minimum gross habitable floor area is 2500 sq. ft./ existing 1315 sq. ft. with proposed additions will be at around 1687 sq. ft.
- Minimum improvable lot area is 20,000 sq. ft. / existing 5385 sq. ft.
- Minimum improvable circle diameter: requires 100 ft / existing 56.8 sq. ft.

Mr. Leber stated that the above conditions will remain as is and will not be impacted by this application.

Mr. Alfieri and Mr. Leber went on to discuss Exhibit A1. The photos on page one depicts the front of the building with the existing driveway and signs. The temporary "Mill Builders" sign will be removed and the freestanding sign will be utilized by the applicant. Page two of the exhibit shows the back of the building along with the rear neighbor's fence and green space. The green area will remain even with the proposed addition. Page three of the exhibit shows the driveway opening from Tennent Road and the parking lot.

The applicant is proposing 9x18 parking stalls vs. 10x20 which is what the ordinance requires. Mr. Leber noted that 10x20 is normally for locations where there is a lot of public in and out but since this is a private office and by appointment only, 9x18 should be appropriate for this type of use. The applicant would be seeking variance relief for the parking stalls. The applicant will also be providing one parking stall for ADA access and nine additional parking stalls.

Mr. Leber explained that impervious coverage will increase by 640 sq. feet. This includes the small addition on the back of the building (260 sq. ft) and then the parking lot will be brought towards Tennent Road to include a 24' drive aisle. There will be two small additions in the front of the building - A portico and a 'notched' area will be 'filled in'. The new portico, will create the need for a variance for the front yard setback. The house currently sits at 50 feet which is the minimum required but the portico will be at 45.96 feet. Mr. Leber further expounded the aesthetics and purpose of the portico outweighs the negatives and anyone driving by will not be able to perceive that the building is in the front yard setback.

- Lighting - Mr. Leber noted that a lighting plan will be forthcoming in response to the comments in the professional reports.
- Drainage - The addition in the back and the extra square footage for the parking lot addition will not trigger any known regulations for providing storm water management.
- Landscaping - Mr. Alfieri confirmed with Mr. Leber that Exhibit A1 shows no landscaping along the rear of the property. He said the applicant has no issue with

putting landscaping along the residential adjacent properties. Ms. Beahm recommends putting in a landscaping buffer to separate the office use from the residents in the back.

- Mr. Alfieri also addressed with Mr. Leber the railing for the ADA space that was noted in Mr. Boccanfuso's report. Mr. Leber said the architectural renderings depict an ADA ramp with a railing.
- Refuse Containers – Mr. Leber said a dumpster will not be needed since the waste generated is just office refuse, paper, lunch, etc. The proposal is for cans/receptacles for trash pickup and will be placed on the side of the building. Ms. Beahm requested that the trash cans/receptacle location be shown on the plans. She said she doesn't have an issue with the cans on the side of the building but wants to make sure they don't end up somewhere else on the property. Mr. Leber agreed to that request.

Mr. Leber continued to address comments from CME's report. There was a statement regarding the need for sidewalks along the frontage and Mr. Leber agreed to leave it up to the Board if sidewalks would be part of the plan. Mr. Alfieri asked if he would stipulate to comply with the remaining CME comments and he agreed.

Mr. Leber noted that the Environmental Commission did not raise any issues other than the landscaping should include native species. Ms. Beahm recommended that the applicant's team work with CME and Shari Spero (township arborist) to come up with a proposed landscaping plan.

Mr. Alfieri asked Mr. Leber to address Ms. Beahm's report comments regarding FAR (floor area ratio). Mr. Leber calculated the FAR as  $1702 \text{ sq ft} / 19,981 \text{ total lot area} = .085$  where .095 is allowed therefore a variance is not needed for FAR.

Mr. Leber asked if there are any EV requirements for a 9 stall parking lot. Mr. Boccanfuso explained the regulation applies to under 25 spots in a retail space so it looks like the EV regulation would not apply in this case.

Mr. Leber provided the following positive criteria for the variances that are being requested for this application:

- 1) Benefit to the area since they are revitalizing an underutilized building on a main road.
  - 2) The use is not a nuisance and nor will it generate additional traffic.
- He also stated in his opinion the variance for the front yard setback is de minimus and the improvements to the building far outweighs any negatives to the community.

Chairperson Kwaak asked the professionals if they had any questions.

Mr. Boccanfuso asked Mr. Leber to address item #4 on the engineer's report regarding variances that were not identified on the plans.

Mr. Leber stated the rear corner of the building stands at 14.4 ft and the addition is at 15.33 ft both of which do not comply with the 25' setback requirement so a variance is required. Mr. Alfieri pointed out the location of the addition on the plans and it was noted that the adjacent Lot 34 is a commercial business.

Mr. Leber went on to explain that the driveway width will be increased to 24ft in the front versus encroaching on the rear yard of the property. He doesn't think the deviation from the 50' front setback is problematic since it's already in the front yard. He is proposing a row of shrubs to obscure headlights and the view of the actual parking lot.

Mr. Boccanfuso stated he doesn't have any issues with the proposed relief. His office is willing to work with the applicant's engineer regarding landscaping plans as mentioned previously. He also commented that our ordinance requires 9'x18' for employee parking spaces and 10'x20' for public spaces. He noted that Mr. Alfieri

stated in his opening that this largely for employees and occasional customer so this is an acceptable deviation.

As far as sidewalks, Mr. Boccanfuso said from his experience, the County usually leaves this up to the discretion of the municipality/Board. If the applicant does not want to install sidewalks, then a waiver is required and the applicant would be responsible for payment in lieu which would go into the Pedestrian Safety Fund for use in another location.

Mr. Boccanfuso stated that for storm water management a 640 sq ft. increase in impervious is very minimal and should not have an impact. With that said, there is an ordinance requirement for non-major storm water developments which says that you can't increase peak rates of flow or volume leaving the site. Mr. Boccanfuso asked Mr. Leber to provide his office (CME) with some basic calculations that shows that the conditions are met, then no structural requirements are needed. If anything, the engineer might need to provide a small dry well for some roof leaders to mitigate the small increase and Mr. Leber agreed as a condition of approval if granted.

Mr. Boccanfuso also noticed the parking area is pitched towards a low spot in the back corner. Mr. Leber said he will add some type of drainage improvement to fix the issue of ponding that might occur in that area.

Ms. Beahm wanted confirmation that the note on the plans that say 'design area' is strictly for customers to consult with contractors. Mr. Alfieri said there will only be catalogs and computers and no samples of materials and no showroom.

Chairperson Kwaak asked if any of the Board members have additional questions of Mr. Leber.

Todd Brown asked about parking lot lighting and Mr. Leber responded that they will probably need a pole mounted fixture in the lot. Mr. Pollifrone commented that it seems there would not be a lot of 'in and out' during the workday. Mr. Leber reiterated that this is a minor traffic generator and open by appointment only to customers. Occasionally field employees would stop by but for the most part 3-4 employees would be on site.

Mr. Mueller swore in Mr William J. Cohen, the Architect for the applicant. Mr. Alfieri asked Mr. Cohen to state his qualifications. Mr. Cohen is a registered architect with offices in NY and NJ and has significant educational background to qualify him for testimony, his credential were accepted.

Mr. Alfieri referenced Exhibit A2 and asked Mr. Cohen to describe what is being proposed by the applicant. He said the building is a one-story residential style building that is approximately 1315 sq. ft. They are looking to square off the front indentation on the façade and put a small addition in the back. It will remain a one-story structure and the square footage will increase to about 1700 sq. ft. There is a full basement that will only be used only for storage and mechanical space.

A reception desk will be in the front left corner of entry, and an open office area to the left side that will be used for plans and estimating. The new addition in the back left corner will be executive owner's office. The center space is the design area and will be used as a conference place to meet with clients.

Mr. Cohen went on to describe the exterior of the building stating they were trying to be sensitive to the fact that they are in a transitional area between commercial and neighboring residential areas. The building itself is commercial and will meet ADA requirements such as a ramp from the parking area to front portico and have an ADA-rated restroom. There will be a cathedral ceiling and no second floor. The other three sides of the building will be consistent with the aesthetic of the front of the building.

Mr. Alfieri asked Mr. Cohen to discuss the proposed building-mounted sign on the right side that will need variance relief. Mr. Cohen stated they are looking to stay within 20 sq. ft for the Mill Contracting logo.

Chairperson Kwaak asked if there were any more questions for the architect, Mr. Cohen.

Mr. Boccanfuso just wanted to confirm that no construction vehicles will be parked on site. Mr. Alfieri responded that there will be no work trucks left on site.

Mr. Hogan asked if they wanted to reconsider the size of the building-mounted sign since on the rendering it does look bigger than 20 sq. ft. Mr. Hogan recommended the applicant take a minute to make sure the scale is correct. Ms. Beahm interjected that when the sign area is calculated a 'box' is drawn around the totality of the sign which would include the applicant's logo (windmill) and words. The applicant's team decided they were comfortable with 35 sq. ft. for the building-mounted sign. Mr. Hogan also asked about the illumination on the sign and Mr. Cohen said the sign will be back-lit.

Mr. McNaboe wants the applicant to put in sidewalks saying that when other businesses come along at least we have a start. Mr. Alfieri agreed as long as the county was OK with putting in the sidewalks. He also wanted to confirm that since they back to residential lots there will be landscape buffering. It was established that the applicant's team will work with Shari Spero (arborist) to work on a plan for buffering along the rear fence line and the parking lot and also foundation plantings and landscaping on the side lot line.

Ms. Kwaak asked if they are putting in a generator and if so, they might want to put in a generator pad as part of the site plan. She also inquired about the freestanding sign as shown in Exhibit A1. Mr. Mueller swore in Frankie Berardi, owner of Mill Contracting, so he could address the plans for the free-standing sign and additional lighting. He stated there will be a street number and the graphic logo on the sign and there will be sconces to the left and right of the door and some accent lighting in the overhang soffits.

Mr. Jacobson agreed there should be sidewalks. He wanted to confirm that the lights will be OFF after business hours so it won't intrude on the neighbors. Mr. Berardi said the lighting will be off when the business is closed.

Ms. D'Agostino asked about restroom, break area and sky lights. Mr. Cohen responded that there will be one ADA compliant bathroom, one small coffee bar area, and no sky lights. She wanted to know the type of siding and Mr. Cohen said it will be either vinyl or cement-based in the back. The front will have some simulated metal siding and brick face. Ms. D'Agostino also agreed that there should be sidewalks.

Mr. Brown asked the applicant if he knew approximately how many appointments will be booked per day. The applicant said only a few a week and no overbooking of appointments.

Mr. Shorr agreed with the need for sidewalks. He asked if there will be any solar panels on the roof and the applicant said not at this time.

Mr. Pollifrone asked the architect to summarize what led him to the design that the applicant is proposing. Mr. Cohen explained that there was no consistency with the surrounding commercial buildings so he tried to conform to the neighborhood in terms of scale to make it fit within the residential transition. He wanted it to reflect what/who Mill Contracting is and to make it clear this is a commercial building.

Ms. Kwaak asked if this property was public sewer and water or septic and well. Mr. Berardi explained they just connected to public sewer and but still have well. Mr. Boccanfuso said he thinks there is a water main nearby and is within Gordons Corner

water service area. The suggestion was made to have the applicant's engineer look into it further.

Mr. Brown mentioned that the existing sign that the applicant said are keeping is in the public right of way. Ms. Beahm said they would need to get county approval to allow the sign to stay in the public right of way and will need a variance. Mr. Alfieri said if the county says no, they will move it in.

Chairperson Kwaak opened the meeting to the public for comments/questions on this application. Seeing none, the public portion was closed.

Mr. Mueller summarized what variances are needed and other conditions of approval.

- Minimum lot area: required 40,000 sq. feet / existing and proposed 19,981 sq. ft.
- Lot frontage: required 200 ft. / existing 164.37 ft.
- Lot width: required 200 ft. / existing and proposed 162.18 ft.
- Lot depth: required 180 ft. / existing and proposed 104.99 ft.
- Minimum front yard setback is 50 ft / 48.05 is existing and 45.96 ft is proposed
- Minimum side yard setback is 25 ft / left of the building is only 14.4 ft. existing and proposed
- Minimum gross habitable floor area is 2500 sq. ft. / existing 1315 sq. ft. with proposed additions will be at around 1687 sq. ft..
- Minimum improvable lot area is 20,000 sq. feet / existing and proposed 5385 sq. ft.
- Minimum improvable circle diameter: requires 100 ft / existing and proposed 56.8 sq. ft.
- Location of the freestanding sign requires a variance
- Wall-mounted sign requires a variance
- Parking stall dimensions
- Sidewalks
- Generator Pad (will be added to site plan)

Mr. Brown made a motion for approval with all the variances and conditions that the applicant agreed to and listed by Mr. Mueller. Ms. D'Agostino seconded the motion of approval of this application.

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

Chairperson Kwaak stated the next Planning Board meeting is December 14th at 7:30 in the courtroom.

Mr. McNaboe asked if a December 28<sup>th</sup> meeting was advertised as a meeting and Ms. McGrath explained that date was never listed as a meeting in the Resolution. Chairperson Kwaak reminded Board members whose terms were up on 12/31 to submit their volunteer applications to the clerk by 12/10/23.

Chief Hogan made a Motion to adjourn the meeting and it was agreed to by all.

Nancy McGrath  
Planning Board Secretary