

**Township of Manalapan**  
120 Freehold Road  
Manalapan, NJ 07726

**Planning Board Minutes**  
**September 12, 2024 Public Meeting**

Chairwoman Kathryn Kwaak called the meeting to order at 7:35pm with the reading of the Open Public Meetings Act. The salute to the flag followed.

Mr. Brown read the TV Disclosure Statement and took the Roll Call of the Board.

In attendance at the meeting: Barry Fisher, Todd Brown, John Castronovo, Barry Jacobson, Kathryn Kwaak, Jack McNaboe, Brian Shorr, Nunzio Pollifrone, Pat Givelekian

Absent: Chief Hogan, Steven Kastell

Also present: Anne Marie Rizzuto, Esq, Planning Board Attorney  
Jennifer Beahm PE, PP, Board Planner  
Jordan Rizzo, PE Planning Board Engineer  
Nancy McGrath, Board Secretary

Ms. Rizzuto, Esq., swore in the Board Professionals.

**Minutes**

A Motion was made by Mr. Fisher and Seconded by Mr. Castronovo to approve the minutes of **June 13, 2024** as written which included the transcripts from the applicant's court reporter.

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

A Motion was made by Mr. Shorr and Seconded by Mr. Fisher to approve the minutes of **July 25, 2024** as written.

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

A Motion was made by Mr. Castronovo and Seconded by Mr. Fisher to approve the minutes of **August 08, 2024** as written.

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

**Resolutions**

**PPM2104A2 - Gauri Foods, LLC**

Amended Preliminary & Final Site Plan Approval with  
Ancillary Variance Relief  
Block 7232 Lot 1.04 / Woodward Road and Hwy 33

A Motion was made by Mr. Castronovo and Seconded by Mr. Shorr to approve the Gauri Foods, LLC, Resolution.

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

**PMS2319 - AAGWML – F Property LLC**

Gaitway Farm Redevelopment – Phase 1  
Preliminary Site Plan Approval with Ancillary Variance Relief  
Route 33 and Woodward Road  
Block 73 ~ Lots 1 – 8 | Block 74 ~ Lots 6 – 10 & 11.01 |  
Block 75 ~ Lots 1 – 8  
~575,600 sq. ft. Warehouse & ~55,003 sq. ft. Skate Park

A Motion was made by Mr. Castronovo and Seconded by Mr. Fisher to approve the AAGWML – F Property LLC Foods, LLC, Resolution.

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

**Applications for Extension of Time**

**PPM2043EX Woodward Estates, Inc.**

Block 67 / Lots 22, 25, 32, 35.02 - Millhurst Road  
Preliminary and Final Major Subdivision and  
Preliminary and Final Major Site Plan – Approved 9/22/22 Memorialized 10/27/22

Mr. Kenneth Pape, the attorney representing the applicant, requested the first one year extension of the period of protection to the resolution that was adopted by the Board in October 2022. Since that time, they have diligently pursued the approvals of almost 30 outside agencies. The approval process was a little bit longer than anticipated due to the waste water management amendment that was required as a prerequisite to starting the sewer relief.

Ms. Rizzuto confirmed the one year extension would be until October 27, 2025 and verified that there have been no zone changes since that time the resolution was adopted.

Chairwoman Kwaak asked for a motion to approve the extension of time. Mr. Fisher made the Motion and Mr. McNaboe Seconded the Motion.

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

**PMS2314EX Vincent Tornatore**

Block 339 Lot 12.01 - 45 Saupe Drive  
Minor Subdivision Approved 1/11/24 Memorialized 2/8/24  
Extension of Time

Mr. Salvatore Alfieri, the attorney representing the applicant, explained that this is a minor subdivision, and under the Municipal Land Use Law, a minor subdivision must be perfected within 190 days of the resolution's adoption. With the 190th day approaching, Mr. Alfieri noted

that the last review letter from CME was received on August 15, 2024, and they are currently addressing the remaining open conditions. They did receive an exemption letter from the Monmouth County Planning Board, so at this point they are just working on some cleanup/paperwork with CME. Mr. Alfieri requested an extension to perfect the subdivision until the end of the year.

Ms. Rizzuto confirmed the extension of time would be until December 31, 2024 and also verified that there have been no zone changes since the approval was adopted.

Chairwoman Kwaak asked for a motion to approve the extension of time for the Tornatore subdivision. Mr. Castronovo made the Motion and Mr. Shorr Seconded the Motion.

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

**PMS2266EX2 Rising Sun Properties**

Block 21 Lot 4.01 – 148 Freehold Road

Extension of Time Request #2

Minor subdivision Approved 7/13/23 Memorialized 8/10/23

Extension #1 Approved 3/28/24 Memorialized 4/25/24 extended to June 30, 2024

Mr. Salvatore Alfieri, the attorney representing the applicant, explained that this case is similar to the previous one, where the subdivision must be perfected within 190 days. Currently, the maps have been signed by CME and the property owner, and are now awaiting township signatures. Once the township signs off, the applicant can submit the maps to Monmouth County for recording.

Chairwoman Kwaak asked for a motion to approve the second extension of time for Rising Sun Properties. Mr. McNaboe made the Motion and Mr. Castronovo Seconded the Motion to grant an extension of time to November 30, 2024.

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

**Applications**

**PPM2036 Toll Brothers Canter Square - PHASE 2**

Final Major Subdivision

Block 72 Lot 11.07 / Block 72.06 Lot 27 / Block 72.07 Lot 59 / Block 72.10 Lots 110 & 112

Completeness and Engineering Rvw #1- 8/1/24

Ms. Rizzuto stated that this application will be carried to a future agenda. Please check the township website for updates on when the matter will be heard since public noticing is not required.

**PPM2104A Stavola Asphalt Co – Medical Office**

Amended Site Plan

Block 7232 Lot 1.07 / Woodward Road

Modification/Elimination of Condition of Approval #12

Resolution memorialized March 23, 2023

Mr. Peter Wolfson, the attorney representing the applicant, stated they are here to request a modification of a condition of approval for the medical office property. The property was subdivided from a larger lot back in 2020 and has adjacent residential and planned retail

development. The applicant previously obtained preliminary and final site plan approval to develop the medical office building in March of 2023. Specifically at issue is condition # 12, which requires the applicant to install a sidewalk along the property line of the medical office lot and north into the right-of-way of lot 1.08, which is the township's Green Acre lot to the north. The applicant applied for the sidewalk permits from the NJDEP in October of 2023. The applicant has diligently pursued the application with the DEP, but despite these efforts, nearly a year later, no permits have been issued. The relief sought by the applicant has evolved since the modification application was initially submitted

Mr. Wolfson has been in discussion with Roger McLaughlin, the township attorney, regarding the best path forward to get the sidewalk approved and installed. The options presented to the Board are as follows: 1) Eliminate the 12<sup>th</sup> condition given the applicants good faith effort to comply; 2) Modify the 12<sup>th</sup> condition to permit the applicant to contribute to the sidewalk fund in lieu of constructing the sidewalk; 3) Modify the 12<sup>th</sup> condition to permit the applicant to withdraw its pending application with the NJDEP and have the township apply to the NJDEP for the sidewalk permit.

The applicant would compile the application and materials, pay the associated fees, and work alongside the township to secure the necessary permits from the DEP. If approved by the DEP, the applicant would proceed with constructing the sidewalk. In the event the DEP does not grant approval, the applicant would build the portion of the sidewalk that does not require DEP approval. Mr. Wolfson noted that Mr. McLaughlin indicated the township is amenable to this third option. Mr. Wolfson stated the applicant is requesting approval of the modification or elimination of the condition for the sidewalk.

If the application by the township is successful, the applicant will complete the sidewalk both in the buffer for the northern part of the property as well as the sidewalk extending across the frontage of the township's Green Acres lot.

It was also noted that if the township is unsuccessful in securing the necessary permits from the DEP, the applicant would still be responsible for contributing to the sidewalk fund.

The Board asked if there was any risk to the township by applying for the permits to the NJDEP. Ms. Rizzuto explained there is no downside to the town being the applicant. In fact, the township has a better chance of obtaining the permits since there is less criteria for towns vs. private applicants. The township will not be allowed to put down gravel or stone in the event the permits cannot be secured.

Before opening the application to the public, Ms. Rizzuto explained that since this is a very limited approval (sidewalk condition), the only thing that can be discussed is the change that is being made to the application. The Board cannot take testimony, comments, suggestions, or complaints, on the entire application.

Chairwoman Kwaak opened the application to the public, and no one came forward, so the public portion was closed.

Mr. Wolfson summarized the applicant's perspective on how the modification of the condition would unfold. The township will become the applicant to the NJDEP, and the applicant will withdraw their application. The applicant will pay the fees and work with the township professionals. If the permits are approved, the applicant will build the entire sidewalk. If the permits are not approved, the applicant will build as much of the sidewalk as possible, up to the point where the DEP permit is required. As the Board requested, they will pay into the sidewalk fund for the remaining piece if the town is not successful in obtaining the permits.

Mr. McNaboe made the motion and Mr. Castronovo seconded to modify condition #12 as outlined in the testimony.

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

**Settlement – Countryside Developers v. Manalapan Planning Board  
203 State Highway 33 / Block 78, Lot 12.02**

Ms. Rizzuto explained the Planning Board approved this matter as of August 10, 2023 as a result of a court remand to this Board. The settlement involves the following:

- A contribution of 1M dollars for off tract fees that will be paid in two payments as the construction permits are applied for each building.
- The second condition is that there will be an easement around the entire subject lot on the east, west and south side property lines (not the street property line). The easement will provide access to a driveway that will be constructed by the applicant. The easement gives access to a light so the traffic can go immediately west without having to go east and loop around and head west.
- The applicant must submit the final easement for approval of the Board and the Town, and also requires the applicant to record that so it is preserved in perpetuity

Chairwoman Kwaak asked for a motion to approve the settlement agreement. Mr. McNaboe made the motion and Mr. Fisher seconded to approve the settlement agreement.

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

**Non Agenda Items**

Ann Marie Dolan – 538 St. Andrew’s Place

Ms. Dolan of 538 St. Andrew’s Place came forth when Chairwoman Kwaak opened the floor to the public for non-agenda items.

- She raised concerns about trees being removed adjacent to the Knob Hill Development.
  - The Board explained that that new development did go before the Board and the property where the trees are being cleared is not part of Knob Hill.
- Also concerned about the increase in traffic and why a traffic study was done in 2021 and not today.
  - The Board explained that a traffic study is required at the time the application is submitted.
  - Any NEW applicants are required to submit a
- She could not hear because the microphones were not working
  - Chairwoman Kwaak explained that the new microphones are pending

As far as surrounding communities being noticed, the applicant is required to notice everyone within 200’ of the property once their application is going to be heard on an agenda. In the case of the development by Knob Hill, the applicant noticing did include the Knob Hill HOA office. Once the application is approved and through resolution compliance, they are not obligated to notice again for building.

The Board also explained the Planning Board meets on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of the month and the agendas and supporting documents are posted on the township website before the meeting. Or you can always contact the Planning Board Secretary at town hall.

Mr. McNaboe wrapped up by stating the courtroom is newly renovated and waiting on the new sound system. He mentioned the second meeting in October (10/24) will be cancelled to allow for the sound system installation.

**Adjournment**

Chairwoman Kwaak announced the next meeting is September 26, 2024 at 7:30PM.

Mr. Brown made the motion to adjourn at 8:20pm and Mr Castronovo seconded the adjournment.

Submitted:  
Nancy McGrath