

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

**Planning Board Minutes**  
**October 10, 2024 Public Meeting**

Chairwoman Kathryn Kwaak called the meeting to order at 7:30pm with the reading of the Open Public Meetings Act. The salute to the flag followed.

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

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

Absent: John Castronovo, Brian Shorr

Also present: Ronald Cucchiaro, Esq, Planning Board Attorney  
Jennifer Beahm PE, PP, Board Planner  
Danny Lopez, PE Planning Board Engineer  
Nancy McGrath, Board Secretary

Mr. Cucchiaro, Esq., swore in the Board Professionals.

**Minutes**

A Motion was made by Mr. Fisher and Seconded by Mr. Brown to approve the minutes of **September 12, 2024** as written.

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

**Resolutions**

**PFM2342 – 91 Sweetmans Lane, LLC**

Preliminary and Final Major Subdivision Approval with Design Waiver Relief  
Block 8301 Lot 24 | 91 Sweetmans Lane

A Motion was made by Mr. Fisher and Seconded by Mr. Brown to approve the 91 Sweetmans Lane, LLC Resolution.

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

**PPM2043EX Woodward Estates, Inc.**

Block 67 / Lots 22, 25, 32, 35.02 - Millhurst Road  
Preliminary and Final Major Subdivision and Major Site Plan  
One Year Extension to 10/27/25

A Motion was made by Mr. McNaboe and Seconded by Mr. Brown to approve the extension of time resolution for Woodward Estates, Inc.

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

**PMS2314EX Vincent Tornatore**

Block 339 Lot 12.01 - 45 Saupe Drive  
Minor Subdivision Approved 1/11/24 Memorialized 2/8/24  
Extension of Time to 12/31/24

A Motion was made by Mr. Brown and Seconded by Mr. McNaboe to approve the extension of time resolution for Vincent Tornatore.

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

**PMS2266EX2 Rising Sun Properties**

Block 21 Lot 4.01 – 148 Freehold Road  
Minor subdivision Approved 7/13/23 Memorialized 8/10/23  
Extension #1 to 6/30/24  
Extension #2 to 11/30/24

A Motion was made by Mr. Jacobson and Seconded by Mr. Fisher to approve the 2<sup>nd</sup> extension of time resolution for Rising Sun Properties.

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

**PPM2104A Stavola Asphalt Co – Medical Office**

Amended Site Plan  
Block 7232 Lot 1.07 / Woodward Road  
Modification/Elimination of Condition of Approval #12

A Motion was made by Mr. Fisher and Seconded by Mr. Brown to approve the resolution for amended site plan.

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

**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

Chairwoman Kwaak introduced the application and Planning Board member, Mr. Todd Brown, recused himself from the application before the applicant began testimony.

Mr. Sal Alfieri the attorney representing the applicant, explained the applicant received preliminary and final approval for phase 1 and preliminary approval for phase 2 in May of 2021. At this time, phase 1 is currently under construction and they are seeking final major subdivision approval for phase 2. The one witness for the applicant was engineer Mr. Daniel Giacobbe with ESE Consultants. Mr. Cucchiaro swore in Mr. Giacobbe and his qualifications were deemed sufficient by the Board.

Mr. Giacobbe introduced Exhibit A1 – Overall site plan rendering dated September 12, 2024. He gave an overview of the project and explained the ‘phasing’ of the development. The Canter Square property contains about 57 acres and has frontage along Iron Ore Road and NJ State Highway 33. On the exhibit there is a red line that represents the project’s phases. To the south of the red line is phase 1 which contains approximately 38 acres and has received both preliminary and final major subdivision approval. To the north of the red line is phase 2, which has only received preliminary major subdivision approval. The reason final approval was not granted initially was because phase 2 was not in sewer service area. The applicant has since received the sewer service area amendment and now requesting final approval for phase 2.

Mr. Alfieri referenced the most recent CME report (review #1), and Mr. Giacobbe stated they can comply with all the recommendations and comments in that report. Mr. Giacobbe confirmed that the plans submitted for phase 2 are essentially identical to those submitted under the original application, with no changes to circulation, lighting, landscaping, or stormwater management. Additionally, all outside agency approvals have been obtained for phase 2.

Chairwoman Kwaak inquired about the status of the affordable housing units in phase 1. Mr. Giacobbe responded that, to his understanding, two affordable housing buildings are either currently under construction or expected to begin construction within the week

Ms. Beahm asked Mr. Alfieri to address the applicability of the EV statute. Mr. Alfieri noted the EV statute was adopted in July of 2021, since this project was approved in May of 2021, the development is exempt from the EV statute. Mr. Alfieri said there was no further testimony with regards to this application for final approval for phase 2.

Mr. Cucchiaro brought up discussions that occurred prior to tonight's meeting and is the subject of the most recent report dated October 10, 2024 from Ms. Beahm. The matter came to the attention of the board professionals through an application that was filed with the Zoning Board of Adjustment regarding billboards on the property.

Ms. Beahm reviewed all documents related to the phase 1 and 2 applications, and found no mention of billboards. Additionally, public hearing videos contained no testimony suggesting the billboards would remain. The "existing condition" section of the application did not mention billboards and the initial submission plans dated 8/7/2020 noted that existing features will be removed within the project limit of disturbance. The first set of resolution compliance plans still stated that existing features will be removed. However, the final set of plans dated 3/7/23, did indicate on the landscape and lighting pages that "existing billboards to remain." Mr. Cucchiaro added that the billboard is not in the ordinance and was not in the plan the Board considered for approval. It only appeared after the first resolution compliance submission and it was mentioned in a statement responding to a report.

Before presenting his recommendations to the Board, Mr. Cucchiaro gave Mr. Alfieri an opportunity to respond. Mr. Alfieri agreed to allow the Board to take the testimony that Ms. Beahm offered and act accordingly. He also indicated that the applicant's professionals did meet to discuss what Ms. Beahm submitted, but this would not be the place to resolve the issue.

Mr. Cucchiaro outlined the options for the Board:

1. Deny the application for final approval but that would be arbitrary, unreasonable and capricious because with regard to phase 2, the applicant has complied with the conditions.
2. A condition can be placed for final approval that the existing billboard must be removed from the property.
3. Or the Board can just approve phase 2 and not address the billboard in which case it would seem the Board is endorsing the continued presence on the property.

Chairwoman Kwaak opened the floor to the public for comments on this application. Seeing none, she closed the public comment portion of the agenda.

Mr. McNaboe mentioned that Local 9 Pipe Fitters are interested in getting the water line extended to their property line. Mr. Alfieri said they are willing to have discussions but as of right now no one from the Local has reached out.

Chairwoman Kwaak asked for a motion for a resolution with regards to final major subdivision phase 2 with the condition of the billboard being removed and any field or administrative changes will be brought back to the Board.

A Motion was made by Mr. Fisher and Seconded by Mr. Kastell to approve Canter Square – Phase 2 Final Major Subdivision.

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

**Correspondence** – Volunteer applications are out, if your term is up and wish to volunteer, please fill out and send to administration. Also, please RSVP for volunteer breakfast on November 17.

**Non-Agenda Items** – No one from the public came forward to discuss any non-agenda items.

Chairwoman Kwaak announced the next meeting is November 14, the October 24 meeting is canceled due to courtroom sound system installation.

**Adjournment** – Chief Hogan made a motion to adjourn the meeting at 8:02pm

Submitted by:  
Nancy McGrath