

Township of Manalapan
120 Freehold Road
Manalapan, NJ 07726

Planning Board Minutes
November 14, 2024 Public Meeting

Chairwoman Kathryn Kwaak called the meeting to order at 7:32pm 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, Chief Hogan, Steve Kastell, Brian Shorr, Nunzio Pollifrone, Pat Givelekian

Absent: John Castronovo

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

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

Minutes

A Motion was made by Chief Hogan and Seconded by Mr. Fisher to approve the minutes of **October 10, 2024** as written.

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

Resolutions

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
Iron Ore Road (County Route 527A) & N.J.S.H. Route 33 West

Members Eligible to Vote

Fisher, Jacobson, Kwaak, McNaboe, Hogan, Kastell, Pollifrone

A Motion was made by Mr. Fisher and Seconded by Mr. Jacobson to approve the Toll Brothers Canter Square Phase 2 - Resolution.

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

Applications

PMS1931A/PMS193TS - Cardinale & Manalapan Crossing Associates

Amended Preliminary & Final Major Site Plan
Minor Technical Subdivision
Block 66 Lot 8.03 / 162 HWY 33 (Shoprite)

The amended plan is proposing to eliminate buildings B, C, and D and replace with a New Building B. No Change to Build A, E, F, and G

Chairwoman Kwaak announced this application and stated that Mr. Kastell will recuse himself from this application. Mr. Cucchiaro asked the attorneys to enter their appearance and identify their clients. Mr. Salvatore Alfieri of the firm Cleary, Jacobbe, Alfieri, Jacobs on behalf of the applicant. Mr. Ron Gasiorowski, attorney with offices in Red Bank, NJ, on behalf of Mr. Jeff Stufsky, a resident who lives at 17 Begonia Drive.

Mr. Cucchiaro noted that he had spoken with both attorneys earlier to fully understand their arguments. Mr. Gasiorowski contended that not all lots were included in the noticing. However, Mr. Cucchiaro stated that notices were sent to all property owners within 200 feet of the boundaries of the entire lot (8.03), which also encompasses the private road. Mr. Cucchiaro recommended that the Board exercise jurisdiction based upon the representations that were made by various counsel.

Chairwoman Kwaak outlined the ground rules for the application, specifying that Mr. Alfieri would present the application with testimony from his witnesses. There will be no questions from the Board or the public until after the application is heard in its entirety.

<<Please review the transcript for the detailed testimony on this application>>

PPM2255 LPG Capital

Block 79, Lots 21.01 & 21.02
Sweetmans Lane (CR 527) & Kinney Road
Whispering Woods Hearing

Mr. Cucchiaro provided the Board with a summary of how the application reached this stage. While the application had been approved, litigation was filed challenging several conditions of the approval. The Board entered into negotiations with the applicant to explore a potential settlement.

The settlement agreement outlines several modifications, including the number of trash locations and enclosures, as well as the removal of benches from the site. A revised landscaping plan includes the applicant agreeing to contribute to the township's tree fund. Additional provisions involve reducing the building height to 31 feet 5 inches, specifying the location of HVAC units and a fire hydrants, and updating the façade design to incorporate more character and visually appealing elements. There will be no access to the public between 11pm and 6am. The agreement prohibits outdoor storage of vehicles, except for vans and fleet vehicles. The applicant will widen Sweetmans Lane, north of the applicant's property, terminating at the northern property line of the adjacent property and only if there is adequate right-of-way. Mr. Cucchiaro clarified that the purpose of this hearing is not to revisit the entire application but to review the plan and outline how it incorporates the terms of the settlement agreement.

Jennifer Krimko, the attorney for the applicant, reiterated that the applicant was here to go over what changes were made as a result of the settlement and to address comments from the Board Professionals. The applicant did notice for this hearing and Mr. Cucchiaro confirmed the Board has jurisdiction.

Ms. Krimko introduced Thomas Muller, a licensed professional engineer as the witness for the applicant. Mr. Muller described the following changes to the site plan that were submitted on September 20, 2024.

- The maximum number of trash enclosures are shown on the plan but the applicant can reduce the number of trash enclosures based on tenancy. ADA accessibility not required for trash enclosures. Trash enclosures will have some type of decorative wood-grain-like enclosure.
- Benches along the front of the building near the office entrances were removed from the plans
- Revised landscaping plans were reviewed and approved by the Board Professionals
- Building height revised to be 31 feet 5 inches which includes rooftop mechanicals.
- There are no rooftop mechanicals; pad mounted HVAC units are shown on the revised plans. The height of the building is lower than what is identified in the ordinance. The height is calculated based on the ordinance requirements for the average grade.
- Met with fire officials to come up with a mutually agreed upon location for the fire hydrants and the plans reflect the new location and were approved by the Fire Bureau.
- Drainage plan revised to remove anti-seep collars from the drainage pipe.
- Architectural plans revised to eliminate one panel from the rear corners of the building.
- Expansion of Sweetmans Lane - if there's right-of-way available and the county approves, they will widen Sweetmans Lane past the applicant's property to the north end of the church's property.
- The applicant will work with Mr. Rizzo's office (CME) to comply with all the technical comments in the engineer's report.

Mr. Cucchiaro asked Ms. Krimko to confirm that the original approval conditions that were not impacted by the settlement will remain the same. Ms. Krimko agreed.

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

Mr. Cucchiaro explained to the Board that they would be making a motion to grant preliminary and final site plan approval subject to the settlement agreement. Ms. Krimko asked if the Board would be formally adopting the settlement agreement too. Mr. Cucchiaro explained that was done at a previous hearing.

Chairwoman Kwaak asked for a motion to grant preliminary and final site plan approval. A Motion was made by Chief Hogan and Seconded by Mr. Fisher to approve preliminary and final site plan.

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

Correspondence - none

Non-Agenda Items - none

Executive Session – A Motion was made by Chief Hogan and Seconded by Mr. Brown to enter into executive session to discuss Toll Brothers litigation. Mr. Kastell took roll call and all Board members present voted in the affirmative.

Adjournment – Chief Hogan made a motion to adjourn the meeting at 10:20pm.

Submitted by:
Nancy McGrath