

# Township of Manalapan

## Department of Planning & Zoning

120 Route 522 & Taylors Mills Road

Manalapan, NJ 07726

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## Planning Board Minutes

### February 13, 2020

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:41 p.m. followed by the salute to the flag.

**Roll Call:** Secretary, Daria D'Agostino

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 the 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 Chief Hogan, Seconded by Mr. Fisher to approve the Minutes of January 23, 2020 as written.

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

**Resolution:**           **PFS1507B ~ Meals by Aurora, LLC**  
                                  **Stacar Properties**  
                                  **330 HWY 9 ~ Block 8 / Lot 3.01**  
                                  **Amended Preliminary and Final Site Plan**

A Motion was made by Mr. Kastell, Seconded by Ms. D'Agostino, to approve the Resolution for PFS1507B as written.

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

**Applications:**           **PMS1933 ~ Charles Viviani**  
                                  **103 Millhurst Road ~ Block 67 / Lot 28**  
                                  **Minor Subdivision**  
                                  **Carried from January 23, 2020**

Mr. Cucchiaro announced that the applicant has requested to be carried to the March 12, 2020 Planning Board meeting. There will be no further noticing to the public.

**PAS0908 ~ Ace Home Improvements**  
**342 Route 9 ~ Block 8 / Lot 4.01**  
**Amended Preliminary and Final Minor Site Plan**

Barry Fisher recused himself from this application and stepped off the dais.

Michael York, Esq. represented the applicant, Ace Home Improvements. They are seeking a site plan approval with variance relief for a sign.

Mr. Cucchiaro swore in Steve Clark, of KC Signs. Mr. Clark explained that KC Signs is a well-established family business. For the last five years, they have sold and installed more LED signs in the Tri-State than any other business. Mr. Clark explained the variance is for a digital sign on the existing pylon that is currently at the center. No new foundation or steel poles would not be needed, the LED would be mounted on the existing poles. The proposed sign exceeds the width slightly. LED signs are made up of pre-made panels and cannot be cut to size.

Mr. York said there is a variance required based on the fact that we are asking for a digital sign and there are certain problems with having a digital sign. Do you see

any issues with a digital sign in this neighborhood? Mr. Clark said no, especially not at that location. The sign quality they are proposing is top of the line - what that means is that this sign has automatic brightness sensors on both sides. The automatic brightness takes away that blinding effect that you see on other signs.

Mr. York added that this sign will work with the Township as far as Amber Alert purposes. Mr. Clark said that all these signs are tied into the National Alert System. We set the radius for State-wide alerts - Amber Alerts, Silver Alerts, severe weather, etc. The signs that you would see on the highway are the same - they are linked to the same alert system. KC Signs can set all different perimeters on the software for the sign. Mr. Clark said it would advertise items for Ace Home Improvements or Rita's Ice. Typically on signs like this, the message can be changed frequently.

Mr. McNaboe asked if Mr. York and Mr. Clark if they were familiar with the Ordinance regarding LED signs. Ms. Beahm said it is not permitted to be changed more than once a day. She said if you are asking to do it more than once a day, you will need relief. Mr. York said in that case, we would request that it be changed four times a day. Ms. Beahm said that is once every six hours and the message must be related to the permitted use on the premises. Mr. Clark said the sign is just for Ace Home Improvements or Rita's Ice, they are not going to be selling space on the sign for a restaurant in town or something along those lines, it will not be a billboard. Ms. Beahm wanted to make sure there would be no flashing, scrolling, moving lights, etc. Mr. Clark said we can set the software, so no it will not.

Ms. Beahm stated that this sign is an expansion of what currently exists. You are already close to the property line with the free standing sign as is. The expansion is going to create an exasperation of that setback. She doesn't understand why they just can't comply with what is there now. Why can't they just reface the section that is there now. Mr. Clark said in terms of an LED sign, it wouldn't be refacing, making it larger where it is wouldn't have an impact on the setback. Ms. Beahm said you are already nonconforming as it is. When you widen out the sign, you are exasperating a setback issue. You are creating a variance condition with this proposal, as opposed to just replacing the size of the existing sign. Ms. Beahm's recommendation would be, no further encroachment towards the roadway be permitted. There is no need for it. Ms. Beahm requested planning justification to support this. Mr. York said he doesn't have a planner. Ms. Beahm said there are requirements associated with requesting variance relief, such as the positive and negative criteria associated with the proposal. Either you can provide me with something, or you are going to have to stay within the existing requirements. Mr. York said a positive criteria would be the use of the sign for Amber Alerts. Ms. Beahm said why can't you put an Amber Alert on a smaller sign?

Mr. Cucchiaro asked how is the determination made as to what the size of the sign was going to be? Mr. Clark said the LED can only be built in the 9 ½" increments because that is the panel size. It is shorter in height, but it went a little bit farther

in width. Mr. Cucchiaro said the 9 ½" increments become a limiting factor while designing the LED signs, correct? Mr. Clark said yes. Mr. Cucchiaro said is there a way, based upon the 9 ½" panels to keep the same size that exists now, or is it not possible? Mr. Clark said you can get under the sq ft by taking a panel off. Mr. Cucchiaro said with the limitation of the 9 ½" sq ft panel, could you replace exactly the dimensions that are there right now? Mr. Clark, said no. Mr. Cucchiaro so you can either go under, or over, but not the exact same. Mr. Cucchiaro asked Mr. Clark how far over did you go with the proposed design? Mr. Clark said we went wider, instead of higher, then it would cause conflict with the panels. It just wouldn't fit on the existing structure.

Mr. Cucchiaro asked about the brightness control and if Mr. Clark could explain this in more detail. Mr. Clark said you would be able to see this sign three times as far. It is not a distraction to drivers. Mr. York said the lights can dim if necessary.

Ms. Beahm said by this expansion, now you are 6' off the road where 15' is required. You are not expanding the height of the existing sign, she has a hard time understanding what you are saying because you are not increasing the height of the sign. You are fitting within what was there before, except that you are widening it on both sides. So take 9 ½" off, there is an ability to do that, and still maintain the existing setback. Mr. Boccanfuso said he agrees with Ms. Beahm and he is struggling to understand why it is that this sign needs to be wider than the existing sign and further, he hasn't seen anything in the application that there is nothing confirming that the height of this entire sign to the top of the Rita's emblem is not increasing. In fact it may be increasing with this introduction of a new LED panel. Have there been any measurements taken of the existing panel that is being replaced as far as the height? He sees that the proposed sign is 61", including the perimeter frame. What is the height of the panel that is replacing?

Mr. Clark said he doesn't have the exact measurement of the existing Ace sign that is there, but what is there is getting pulled out, so that top piece is where it stays now. The Rita's canopy that is on the top is not changing. We are not increasing the height. Ms. Beahm asked what is the existing width, and what is the proposed width.

The Board took a five minute recess so the applicant could discuss their proposal.

Mr. York said looking at the entirety of that sign, it would be an additional 13". Each panel is 9 ½" and if we remove one of those panels, we will stick out on either side of what is existing now by 1 ¾". We cannot cut it down any less than that, because then it would be smaller than the existing. Mr. Boccanfuso and Ms. Beahm were in agreement that this would be a de minimus for this front side.

Mr. Clark said the other sign would be replaced with a new and fresh sign. It is just new lettering. There is no rear sign currently. We are proposing a small double

sided sign cabinet that is 57" high and 4' wide and low to the ground. Ms. Beahm stated this site is a through lot and there is access from both Route 9 and Franklin Lane. For traffic safety and additional site identification sign setback 15' would be an improvement, correct? Mr. Clark agreed with this statement.

Chief Hogan asked about the Silver Alert notices from the State - would the applicant be willing to post Township emergencies on their sign? The applicant was very willing to help the Town.

Mr. McNaboe said the Township Ordinance is that LED signs be changed every 24 hours. Should this matter be revisited by the Township Committee, we will keep the LED sign owners aware of the change.

Mr. Castronovo asked about the sign changing four times a day. Why would Ace Home Improvements need to have the sign changed that often? Mr. Cucchiaro said they weren't limiting it to Ace Home, it was for any tenants that were on the property. Mr. Clark said sometimes we try to reach the morning commuters and evening commuters with different specials. Chairwoman Kwaak said Mayor McNaboe already said the Ordinance only allows for one change a day. Mr. Castronovo said he understands and was just looking for clarification on the matter.

Mr. Brown asked if the sign will be set to do the emergency alerts? Mr. Clark said yes. Mr. Brown asked what is the height of the sign from the ground to the top? Mr. Clark said it is a pylon with two pillars. Ms. Beahm said the sign that they are proposing is 57" high, about 5' high. Mr. Brown said will it be distracting for a driver? Will it be at eye level for a driver? Mr. Clark said LED signs are meant to be seen from a distance. Mr. Cucchiaro said the applicant is permitted to have an LED sign, if the message remains constant for 24 hours. Mr. Brown asked if the sign would be on a back-up generator? Mr. Clark said no it is not on a generator, they can wire it if need be.

Mr. Boccanfuso stated that with the reduction of the sign as you have agreed to do, can you confirm the total dimensions? Mr. Clark said it will be 57" x 124". The case size was larger than the actual display area. That no longer exists, there is no extra border.

Chairwoman Kwaak opened the floor to the public for any comments or questions. Seeing none, she closed public.

A Motion for approval was made by Ms. D'Agostino for Planning Board Application PAS0908, and Seconded by Chief Hogan.

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

Mr. Fisher returned to the dais to join the Board.

**Ordinances: Ordinance 2020-02 ~ An Ordinance Amending Chapter 95 (Development Regulations), Article V, Zoning District Regulations of the Code of the Township of Manalapan, to Establish an Affordable Housing Overlay Zone Upon Certain Land Within the Light Industrial Zoning District, Providing for Multi-Family Housing with an Inclusionary Set-Aside of Affordable Housing to be Developed Subject to Certain Conditions and Requirements**

Ms. Beahm explained that this Ordinance is in conformance with our Settlement Agreement with the Fair Share Housing Center as approved by the court in our fairness hearing that took place about one month ago. It is also consistent with the Township's priority housing element and fair share plans which advocate the establishment of housing for low to moderate income households. She would stipulate that it is substantially consistent with the Township's Master Plan.

Mr. Cucchiaro stated this is not a public hearing. It is an Ordinance. The Public Hearing is before the Township Committee, not the Planning Board. Mayor McNaboe said it is not required, but is it something that can be done, is that at the discretion of the Board or not? Mr. Cucchiaro said it is at the discretion of the Board. Mayor McNaboe said that there is a gentlemen who wanted to speak who was at the Township Committee meeting last night. I may have led him to believe that it was before the Planning Board insinuating a year or so from now - but he is in attendance. That is just something for the Chairwoman to take into account. If not, we'll explain to him that this is not the process and it will be a year or so down the road. Mr. Cucchiaro said there are two different things we are talking about. When we talk about the Ordinance, the public hearing is never here. The public hearing to adopt the Ordinance is before the Committee. The plan that will eventually come pursuant to the Ordinance can be one year, six months, or never. When that does happen, there will absolutely be a public hearing. This has to do with the Ordinance tonight, not the plan tonight. The public hearing happened already at the Township Committee.

A Motion stating Ordinance 2020-02 is substantially consistent with the Master Plan was made by Mr. Fisher, and Seconded by Chief Hogan.

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

**Ordinance 2020-03 ~ An Ordinance of the Township Committee  
of Manalapan, Vacating all Right, Title and Interest in and to a  
Portion of a Certain Right of Way Dedication over and Through  
Lot 4 in Block 30, Located on Sobeckko Road**

Ms. Beahm explained that Ordinance 2020-03 is also tied to Ordinance 2020-02. There was a dedication made on Sobeckko Road in the 1970's that created an overly wide right of way which had an impact on the ability of this site to be developed in accordance with the Settlement Agreement. In consultation with the Township Engineer, it was determined that a 60' right of way was more appropriate vs. a 70' right of way, and therefore, a 5' vacation of the easement was part of this Ordinance, but it is absolutely and 100% tied to the affordable housing development as part of the prior Ordinance. As such, it is substantially consistent with the Township's Master Plan.

A Motion stating Ordinance 2020-03 is substantially consistent with the Master Plan was made by Chief Hogan, and Seconded by Mr. Fisher.

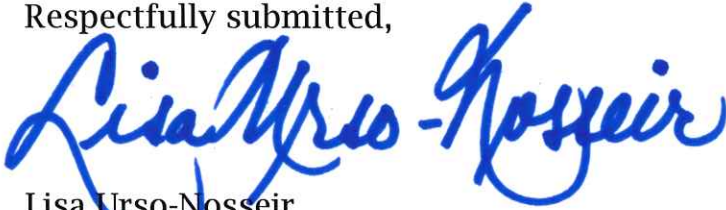
Yes: Fisher, Brown, Castronovo, Ginsberg, D'Agostino, Kwaak, McNaboe,  
Jacobson, Hogan  
No: None  
Absent: None  
Abstain: None  
Not Eligible: Kastell, Shorr

Chairwoman Kwaak opened the floor to any non-agenda items; seeing none, it was closed. She added that the next meeting will be February 27, 2020 and there are a number of pending applications at this time.

**Adjournment**

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Lisa Urso-Nosseir". The signature is written in a cursive style with a large initial "L".

Lisa Urso-Nosseir  
Recording Secretary

A recorded CD or DVD of the meeting is available for purchase by contacting the Planning Board Office.