

Township of Manalapan

120 Route 522 & Taylors Mills Road
Manalapan, NJ 07726
(732) 446-8350

Planning Board Minutes

Virtual Meeting September 10, 2020

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

Roll Call: Daria D'Agostino, Secretary

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

Absent from the meeting: Brian Shorr

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 Ms. D'Agostino, Seconded by Mr. Fisher, to approve the Minutes of August 27, 2020 as written.

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

Application: PPM1823 ~ Countryside Developers, Inc.,
'Manalapan Logistics Center'
203 HWY 33 ~ Block 78 / Lot 12.02
Preliminary and Final Major Site Plan
*Carried from February 27, 2020 to
April 23, 2020: Meeting Cancelled.
Carried to June 11, 2020 - Applicant Requested to be Carried to July
9, 2020 - Applicant Requested to be Further Carried to
August 13, 2020; Carried to September 10, 2020*

Salvatore Alfieri, Esq. of Clearly, Giacobbe represented the applicant this evening.

Ron Gasiorowski, Esq. represented his client, David Kleyn, and various neighbors in the surrounding area.

Michael Lipari, Esq. represented the Village Grande Neighborhood Association.

Mr. Cucchiaro said the applicant completed its direct affirmative case at the previous hearing. Tonight we are going to open up for cross examination of any of the witnesses. That is for questions only, there will be a portion at the end for testimony. The two objecting attorneys will speak first and then residents can answer questions at the end. The one rule is that if you are represented by one of the attorneys, the attorneys will be the ones asking the questions.

Mr. Lipari shared on the screen one of Mr. Dotti's exhibits, the Modified Site Plan previously submitted. Mr. Lipari asked Mr. Dotti to explain the DBA Sound Level of 50; he stated that represented existing highway sound and it has nothing to do with the proposed warehouses. Mr. Dotti explained that this is a sound level contour map. It represents bands of different sound levels. The only source right now is current Route 33 traffic. Mr. Lipari asked Mr. Dotti if he conducted studies dedicated to determine the decibel level at The Village Grande Association. Mr. Dotti conducted ambient sound level surveys as part of his report regarding existing sounds available.

Mr. Gasiorowski asked Mr. Dotti asked about the "N" arrow and that the traffic on Route 33 goes from East to West and West to East. North of Route 33 is the property of The Village Grande Association. Whatever noise is generated by the traffic on Route 33, trucks or cars, that under the existing State statute, that could not be considered in determining noise violations. Perhaps the ambient sound level is 15 and varies as you go further North. Mr. Dotti said the levels represent the contour lines. As you get closer and closer to the highway, the sounds levels increase. Mr. Gasiorowski said the project is located to the South of the highway. The Site Plan shows on the westerly side an ingress and egress off of Route 33. Mr. Gasiorowski asked about the air conditioning units that would be on top of Building B. Mr. Dotti said HVAC units are not shown on his exhibit. Commercial HVAC units have published sound data. Mr. Dotti said he has done warehouses throughout New Jersey, New York, Pennsylvania and the HVAC equipment sounds are insignificant. Mr. Dotti set up ambient sound level measuring devices down on the southern and northern side of the property and they ran from September 5th - 7th for three days around the clock and graphs were produced based on the existing sound levels and without any activity on the site. The site does not have any activity right now and it is therefore impossible to measure the sound levels. We use the best scientific models to gauge the anticipated noise levels. Mr. Gasiorowski said that is just a theoretical opinion then. Mr. Dotti said he has been doing this work for 49 years.

Mr. Gasiorowski asked Mr. Sherman if he is the owner of the property and Mr. Sherman said we are the contract purchaser. Mr. Gasiorowski asked who the end user will be and Mr. Sherman said there will be various tenants on the property and there are no leases since there are no approvals yet. Mr. Gasiorowski asked Mr. Sherman is he intends to use the buildings for warehouses and if he was familiar with the zoning ordinances. Mr. Sherman said yes that is correct. Mr. Gasiorowski said do you know what the hours of operation would be for this facility. Mr. Sherman said it should be 24/7. Mr. Gasiorowski said there is a difference between a distribution center and a warehouse. Mr. Sherman said he is sticking to the appropriate zoning for this project. Mr. Gasiorowski asked about the banked parking. Does that mean you are going to store trailers there? Mr. Sherman said banking is for future possible use. Mr. Gasiorowski said would a tenant store their goods in the trailers as opposed to the warehouses? Mr. Sherman said he does not believe that is the intent. The goods would be in the warehouse. Mr. Gasiorowski said why are there so many loading docks? Mr. Sherman said it is done for logistics - the closer the products are to the docks, the quicker they can get out.

Mr. Cucchiaro asked Mr. Sherman to please confirm if there would be goods inside the trailer or not. Mr. Sherman said the intent of the banked storage is to bank the

trailer there. He cannot confirm that a tenant would or would not store any goods in the trailers. Ms. Beahm read the ordinance stating that no goods would be stored outdoors and it therefore not permitted. Mr. Sherman said he will enforce it so it will not happen.

Mr. Gasiorowski asked Ms. Algeo about the preparation of the site plan if she took into consideration the zoning ordinances and reviewed the environmental issues and she said yes. Would the parking making this a distribution center? Ms. Algeo said the SED20 zone does allow warehouses and distribution centers. Can it be a combination of both? Ms. Algeo said that is correct, that is her interpretation. Mr. Gasiorowski asked if the amount of truck traffic for a distribution center is greater than strictly a warehouse? Ms. Algeo said she would defer to the traffic engineer for this matter.

Mr. Gasiorowski asked Dr. Walker if he testified as the environmentalist and he said yes he did. Mr. Gasiorowski asked if Dr. Walker read the Environmental Impact Statement? Dr. Walker said he prepared his own independent EIS. Dr. Walker said he followed the ordinances in order to complete the EIS as well as supplemented by Storm Water Reports, etc. Mr. Gasiorowski asked if they were seeking any waivers. Dr. Walker said they were not requesting any waivers. Dr. Walker confirmed that he has secured all the proper permits from the DEP. Mr. Gasiorowski asked about the bald eagle foraging and whether or not this is their habitat. Dr. Walker said this matter was concluded based on the issued Letter of Interpretation.

The Board took a five minute break.

Once the Board returned, Mr. Alfieri stated that the traffic engineer, John Rea, is still on 295 and cannot dial in at this time. Mr. Cucchiaro said it was our intention to permit the two opposing attorneys the opportunity to speak to all the witnesses first. Mr. Cucchiaro said the cross examination and the questions, there may be some challenge to jurisdiction that may arise, especially after planning testimony, that what is being proposed is a warehouse, if that is the case.

Chairwoman Kwaak said it would be best to have the objecting attorneys finish their cross examination of the witnesses before it is opened up to the public since their questions may be answered by the attorneys.

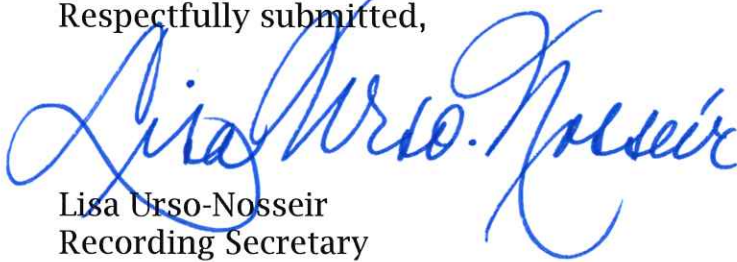
Mr. Cucchiaro stated that application PMS1813 will be carried without notice to the September 24, 2020 Planning Board Meeting.

Chairwoman Kwaak opened the floor to any non-agenda items; seeing none, it was closed. She added that the next meeting will be September 24, 2020 and there are a number of pending applications at this time.

Adjournment

A Motion to adjourn the meeting was made by Mr. Fisher 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, flowing style.

Lisa Urso-Nosseir
Recording Secretary

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