

Township of Manalapan

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

Planning Board Minutes

Virtual Meeting September 24, 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, Alan Ginsberg, Daria D'Agostino, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Richard Hogan, Steve Kastell, Brian Shorr

Absent from the meeting: John Castronovo

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 September 10, 2020 as written.

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

Resolution:

A Motion was made by Mr. Fisher, Seconded by Ms. D'Agostino, to approve the Resolution for 2020-19 as written.

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

Application: **PeopleMover, LLC & Re-Hold, Inc.**
Bridge Plaza Office Condominium
300 Bridge Plaza Drive ~ Block 3.03 / Lot 9.04
90 Bridge Plaza Drive ~ Block 3.03 / Lot 8.02
Amended Preliminary and Final Site Plan

Sal Alfieri, Esq. represented the applicant this evening. This matter was carried from the August 27, 2020 Planning Board meeting. At that time, the applicant had completed their testimony, however a couple of points were raised during the meeting. First, Mayor McNaboe asked why a licensed engineer did not conduct the parking count. Ms. Beahm also suggested that the applicant have a planner available to provide testimony. Mr. Volovnik spoke about another unit, number 435 which consists of 1,500 sq ft and is a vacant unit. That unit is also part of the application. We have retained Marc Leber, a licensed engineer and planner to respond to these various points.

Mr. Cucchiaro swore in Marc Leber, a licensed engineer and planner in the State of New Jersey who has an office at East Point Engineering in Marlboro. Mr. Leber stated he visited the site and conducted a parking count on Monday between 1:30-3:30 p.m., and then again on Tuesday between 9:30-11:30 a.m. He looked at the site plans for this complex and reviewed the prior data that the applicant had previously submitted. There are 32 units that make up Bridge Plaza which are about 54,000 sq ft along with a free standing child care facility of 7,200 sq ft. About 46% of the units are medical; 37% are general office and 17% are vacant.

Mr. Leber explained that the Manalapan ordinance states that you have to provide one parking space per 200' for a commercial personal service. He didn't use the upper floor clause of one parking space per 300 sq ft. The medical clause is one parking space per 100 sq ft. The daycare centers are exempt from local ordinances and the MLUL for purposes of parking counts. Mr. Leber said all the calculations come out to a parking need total of 316. When he performed a parking space count,

he came up with 253 parking spaces on site. Therefore, they need a variance since they are deficient.

Ms. Beahm said the square footage numbers are not matching. She asked if he submitted any of his findings to the Board ahead of time so we would have the opportunity to compare? Mr. Alfieri said last time we came up with 320 required spaces, with 251 on site. Ms. Beahm said you need a variance, and we should be very clear what the variance is for. There is a shortfall of 69 spots.

Mr. Leber said putting aside what the theoretical parking demand is, we actually went out there and did a count on September 21st and 22nd and we broke it down further because there was a question in the CME report as to what is the distribution of the available parking - is it spread out throughout the property? Mr. Leber introduced Exhibit A1, which is a colored rendering parking area map. He explained how the buildings for parking lot number 1 are for units in the 90s and the 80s. Lot number 2 takes space for the child care center, and lot number 3 takes care of the rest of the office park. The distribution was very equal throughout the parking lots. The vacancy rate was about 48-50% throughout the parking lot. There is an ample amount of parking.

Ms. Beahm disagrees that this is a C1 variance. You cannot create your own hardship. What goal of zoning are you advancing for a C2? Mr. Leber said for the C1, he is not aware of any specific limitations that this cannot be used as another permitted use. Ms. Beahm said the applicant came before the Zoning Board to appeal the Zoning Officer's decision last year and he was denied in 2019. The parking is approved under general office, however, once the center reaches a certain percentage of medical offices, you are calculating the parking by each unit space. Mr. Alfieri said how does a CCO get issued for medical use, and then prevents the rest of the complex from being rented because it is under parked? Mr. Cucchiaro said the issuance of a CCO does not amend our zoning ordinance. The applicant should file an appeal with the Zoning Officer and state that the CCOs were not properly granted. Mr. Cucchiaro is in agreement with Ms. Beahm that this is not a C1 variance.

Mr. Boccanfuso said on page 4, item G of his report, we talk about the dimensions of the parking spaces. They can't easily be measured since the stripes are fading away. It does appear that some of the parking spaces are 9' x 20', and the Township ordinance is 10' x 20'. Mr. Boccanfuso asked if relief was ever granted for the smaller parking spaces? Mr. Leber said the old site plans which were approved in 1997, there were a mix of 10' x 20', while others were 9' x 20'. Mr. Leber agreed with Mr. Boccanfuso that some stalls are 9' wide and others are 10' wide.

Ms. Beahm wanted to clarify the positive criteria one more time. What purposes are you advancing? Mr. Leber said we are advancing item A, promoting the public health and safety, providing adequate light and open space. Ms. Beahm said how exactly are you advancing the public welfare? Mr. Leber said we have adequate parking and

there is a parking lot that is only 50% utilized. Ms. Beahm said improvements are going to have to be made to the parking lot. The potholes have to be patched, resurfaced and restriped.

Mr. Cucchiaro questioned Mr. Alfieri about the letter from Ansell, Grimm who are the attorneys for the unit owners association for the site. Mr. Volovnik does not have control of the board of directors. Mr. Alfieri said his client was shocked when he saw the letter because as a Board of Director member, if there was a meeting and he should have been invited.

Stacy Patterson, Esq. of Ansell, Grimm was present and she is the attorney for Bridge Plaza Association. We want to make it clear that Mr. Volovnik does not have the authority to modify or repair the common elements, which include these parking areas. We are not opposed to the restriping. The association is responsible for these common elements and in accordance with the contracts between professionals, who will undertake these matters in the event this application is approved, the association is willing to accept this as a condition of the Board's approval. The association, and not Mr. Volovnik, has the authority to enter into these contracts with regards to these efforts but that Mr. Volovnik will be fully funding these efforts as well.

Mr. Alfieri said if the condo association board is not maintaining this property properly, they are violating the condominium act, but the Town does have the authority to have the condo association board cooperate. Mr. Alfieri said this is unreasonable to have Mr. Volovnik pay for all the repairs.

Mr. Cucchiaro said this approval is dependent on satisfaction of those conditions. We are not ordering that Mr. Volovnik has to pay for it, or whether the condo association has to pay for it. Mr. Volovnik will have to figure out to get this completed. The burden is on the applicant to finish this process.

Mr. Alfieri said to put this perspective, there is one unit that is 500 sq ft and this condition was imposed on their approval, you are essentially saying you are going to spend \$100,000 to resurface the parking lot if you want to rent this unit. It's not a fair solution. This is a common area and should be treated as such.

Chairwoman Kwaak said Ms. Patterson had a question about dumpsters. That is not something we are reviewing this evening. Mr. Alfieri said that is correct, there was a reference in Ms. Beahm's report about the dumpsters, but that matter has been cleared up.

Mr. Fisher emphasized the need to have the parking lot repaired and striped.

Mr. McNaboe said Mr. Leber's testimony cleared up his questions. Chief Hogan asked Mr. Leber regarding the count. He asked how many of the other offices were open

during his count. Mr. Leber said there are some users that do not have overlapping hours. There was a fair amount of activity, especially in lot 3. He said the daycare center was extremely quiet.

Chairwoman Kwaak opened the floor to the public for any questions or comments for this applicant. Seeing none, the public section was closed.

A Motion was made for an Amended Site Plan C2 variance, with the recommendation of resurfacing and restriping of the parking lot by Mr. Ginsberg and Seconded by Mr. Fisher.

Yes: Fisher, Brown, Ginsberg, D'Agostino, Kwaak, McNaboe, Jacobson,
Hogan, Kastell
No: None
Absent: Castronovo
Abstain: None
Not Eligible: 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
And further Carried to September 24, 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 Community Association.

John Rea was reminded by Mr. Cucchiaro that he remains under oath. Mr. Lipari began the questioning. He asked Mr. Rea about the application to the NJDOT for a highway access permit and if it has been issued. Mr. Rea said it is in the process of being reviewed. Mr. Lipari asked if the turnaround over Business Route 33 was approved. Mr. Rea said that is what they asked for, but they haven't given us a formal approval yet. Mr. Lipari asked if a traffic signal was requested by the applicant to be installed in the front its property. Mr. Rea said that was discussed and it was agreed upon by all

the DOT engineers at the meeting that warrants for a traffic signal were not met. Mr. Lipari said how many trips will be made in and out of the property a day - 1,100? Mr. Rea said that is possible. Mr. Lipari asked would it be about 440 trucks a day? Mr. Rea said he couldn't guarantee that number and doesn't believe that is a realistic number. Mr. Lipari referred to the July 11, 2019 meeting wherein Mr. Rea testified to a specific number of trips per day.

Mr. Lipari shared the July 11, 2019 Planning Board Minutes and they were marked as Exhibit P1. He located the section wherein Mr. Rea says the truck traffic could be anywhere from 12% - 40%. Mr. Lipari asked Mr. Rea if he is familiar with the entrance to the Village Grande and the daycare center. Mr. Rea said knows exactly what is on that part of Route 33. Mr. Lipari asked Mr. Rea if he is aware that this area backs up during pick up and drop off at the daycare center. Mr. Rea said he has only seen the parking lot get congested, not the street; he added that he is in the area quite often during peak drop off times for the daycare.

Mr. Lipari asked how many trucks can queue up before it blocks the driveways to residential houses? Mr. Rea said that is not going to happen based on his experience. The DOT engineers directed the applicant to use one state highway that leads into another - it does not go into a residential neighborhood. Mr. Lipari asked if any screening or other safety measures would be put into place to protect the residents of the Village Grande. Mr. Rea said to the best of his knowledge, no.

Mr. Gasiorowski asked Mr. Rea about their proposed project generating traffic on the highways surrounding Village Grande. Mr. Rea said he did a traffic study for this project. Mr. Gasiorowski said is the existing traffic a component of your traffic study? Mr. Rea said yes, that is taken into consideration for the traffic study. Mr. Gasiorowski asked what use did you utilize to determine the amount of traffic coming off of the site? Mr. Rea said he used the land use code 150 for warehousing from the Institute of Traffic Engineers, which was agreed upon by the NJDOT engineers. Mr. Gasiorowski said the buildings are identified as warehouse A and B. Mr. Gasiorowski asked Mr. Rea if he was aware in the application that the proposed building was identified as a 'warehouse/distribution center'. A distribution center is a separate and distinct use. Mr. Rea said he doesn't agree with that. A warehouse can be a distribution center, and they very commonly are. Mr. Gasiorowski asked if there is in fact a definition of a use known as a distribution center? Mr. Rea said that would be for a Planner to determine. He added that many of the warehouses that he has done traffic studies for become distribution centers. Mr. Rea said his firm has done traffic studies for warehouse/distribution centers in Monroe and Cranbury. Mr. Gasiorowski said he'd like to see that and Mr. Rea said he would make those reports available to him.

Mr. Cucchiaro swore in Anne Mazzara, 63 Route 33 and 59 Route 33. She asked how wide the overpass was and what about the decent of 30 degrees? Mr. Rea asked if she was referring to the slope of the road, or the temperature and Ms. Mazzara said she was referring to the slope. Mr. Rea said the slope is not 30 degrees. Ms. Mazzara asked

about all the school busses along Route 33. How long would it take for a truck to stop for an emergency vehicle? Where would the trucks wait and who is directing them into the site? Mr. Rea said he is not aware if the other facilities he studied used expeditors to direct traffic. Ms. Mazzara said she never saw a counter checking the amount of trucks or cars. She does not believe this project is a wise choice.

Mr. Cucchiaro swore in Lori Polamus, 7 Astor Drive. She asked Mr. Rea about a maximum amount of trucks of 32 at any given time, 16 coming in and 16 going out. In the morning, wouldn't there be all 32 trucks at peak time? Mr. Rea said the peak hour can be 12%- 40% trucks, but that is unlikely to happen. Ms. Polamus had a question about the noise and Mr. Dotti was present. Ms. Polamus asked about the 3rd shift and if the noise is lower at that time? Mr. Dotti said he did use the night time levels, 10 pm - 7:00 am. The sound levels are below the worst case scenarios. The sound level near Astor Drive would be about 45 DBA at night. Mr. Dotti said we look at the ambient sounds for comparison. These sounds from the site are not going to stand out any differently from what is already existing on Route 33. Ms. Polamus asked if there are chemical or environmental issues at hand since we have well water? Ms. Algeo said the stormwater is being picked up and collected in the basins and is being treated for the water quality standards of the State before it drains to the streams. There would be no impact for your property located along Astor Drive. Ms. Algeo stated there are landscaping plans that depict the re-vegetation along the back of the property which will provide screening.

Mr. Cucchiaro swore in James Horne, 17 Astor Drive. His main concern is security. He is concerned that the minimum wage employees will leave the warehouse area and walk right into their backyards. What kind of security is in place? Mr. Alfieri said there is a 6' solid fence and landscaping. Mr. Horne believes garbage will be thrown over the fence and the 6' fence can easily be climbed over.

Mr. Cucchiaro swore in Pat Samarco, 69 Yates Road. She is directly behind the U-turn and she is concerned that they are going to widen the shoulder so the trucks can make the turn. Will the shoulder cut into her property? Mr. Rea said this will not effect her property in any way whatsoever. Ms. Samarco asked if there is a guard rail considered? Mr. Rea said the DOT has jurisdiction over this section and they did not ask us to install any guard rails or walls. She is concerned for the residents on Yates Road. Ms. Samarco asked about the extra trucks and what the weight on the roadway will do? Mr. Rea said they are state highways which have been built to handle tractor trailer traffic.

Mr. Cucchiaro swore in Eileen Volpe, 34 Crawford Road. Ms. Volpe said the bridge has a sign for 15+ years that it freezes in the winter. Mr. Rea said that is standard DOT sign that is installed on most overpasses. Ms. Volpe asked about a tractor trailer jack-knifing in icy conditions. Mr. Rea said the DOT has certain design guidelines for roadways and bridges to keep things safe. Ms. Volpe said it's only one lane in each direction. She asked about emergency vehicles coming into the development. Mr. Rea said they would have to use an alternate route and go down to the next overpass. Ms.

Volpe said a distribution center and warehouse are just not appropriate uses for this location. Mr. Alfieri said the zoning ordinance clearly states, 'warehouse/distribution center'. Ms. Volpe said the warehouses in Monroe and Cranbury are closer to the turnpike than this warehouse in Manalapan. Ms. Volpe said can't you put a turn on your own property? Mr. Rea said nothing came to fruition. Ms. Volpe asked if they could go back to the DOT but Mr. Rea said there is nothing else that can be worked out.

Mr. Cucchiaro swore in Tamar Sydney-Gens, 51 Wintergreen Drive. Her question was what is the length of the off ramp at Pegasus where the jughandle is? Mr. Rea said he does not have the plans in front of him right now, but when he met with the DOT, they said it was acceptable for trucks to make the U-turn. Mr. Rea does not have the DOT plans to refer to at this time. Ms. Sydney-Gens asked how many tractor-trailers can sit in the jughandle during a red light? Mr. Rea was unable to answer without the plans. She asked if anything happened with the applicant asking the adjacent property owner to buy their property? Mr. Rea said Mr. Sherman did reach out to the property owner but they were not interested. She asked the decibel level on an 18 wheeler jake breaking? Mr. Dotti said how far away are you? Ms. Sydney-Gens said about 30' away. Mr. Dotti said it will not be any louder than its standard engine.

Mr. Cucchiaro swore in Tom Devine, 18 Astor Drive. He asked about the 32 trucks in and out, and then 12 going around the U-turn. Mr. Devine asked Mr. Rea about the other developments coming to Route 33, such as Manalapan Crossing. Do you believe there will be a possibility of other 18 wheelers going across that bridge as well? Mr. Rea said there is a slim possibility. The warehouse on Iron Ore Road and Route 33 will have direct access to Woodville Road, or Smithburg Road. Manalapan Crossing will have direct access to Route 33 and Millhurst Road so that traffic will not have to make that U-turn at the overpass.

Mr. Cucchiaro swore in Dennis Walsh, 13 Crawford Road. Mr. Walsh asked Mr. Rea about the gap study on Route 33 and the trucks entering Route 33. He asked about the traffic impact flow and the service flow for the area. Mr. Rea said there will be a minimal impact. The trucks will be through vehicles, about 16 trucks per hour and as far as the cars using the Sweetman's Lane jughandle, during peak hour it would be about two more cars during a traffic signal cycle. Mr. Walsh asked about thinking about the trucks going to Route 9 and working themselves back? Mr. Rea said the DOT is not going to recommend that.

Mr. Cucchiaro swore in James Chirido, 6 Crawford Road. His question was for Mr. Rea, how many of your past projects of warehouse/distribution centers bring trucks within 20' of residential homes with no safety barriers? Mr. Rea said that is not a question for him; he does the counts and makes sure the roads can accommodate the traffic. Mr. Chirido asked about the submissions to the DOT regarding the possibility of cutting divided highway straight on to Route 33 West - are they available for the public to review? Mr. Rea said you can get those materials through an OPRA request. Mr. Rea said he guarantees Mr. Chirido that all those items were discussed at length with the

DOT and they will not permit it. If we could get a median cut, we would do it. Mr. Chirido said he talked to the DOT and they told him that it can be done. Mr. Chirido said what about combining Manalapan Crossing with this project? Was it suggested to the DOT? Mr. Rea said yes and the location of the traffic signal for Manalapan Crossing is where we cannot create either a near side or far side judgehandle that would accommodate it because there are wetlands on the south side of Route 33, we have examined this.

Mr. Cucchiaro swore in Vincent Verderosa, 7 Yates Road. He had a question regarding truck noise for Mr. Dotti. Mr. Verderosa stated that a truck does make more noise when you start it up. A truck driver will shift their truck a minimum of 4-5 times just to get to the road. There are seven more stops that a truck has to make. Each time the truck has to start up again, by the time they get to point a where he started, he's shifted his truck close to 50 times. How could that possibly not add emissions and sounds to the area? Mr. Dotti said he cannot address emissions. When we do our analysis, we assume that the heavy truck is accelerating, not cruising, but using the max acceleration data from the DOT. We assume it is speeding up.

Mr. Cucchiaro swore in Joanne Calhoun, 24 Crawford Road. She asked if Chief Hogan has evaluated this matter with the additional trucks on Route 33. Mr. Cucchiaro said this portion of the meeting is for questions for the professionals. Ms. Calhoun asked Mr. Rea how will this traffic impact the firefighters trying to get to the fire house? Mr. Rea said Chief Hogan is more qualified to give an appropriate answer.

Mr. Larry Cooper had a question, but Mr. Cucchiaro pointed out that Mr. Cooper is a member of the Zoning Board. The objector has filed an application this week with the Zoning Board for an interpretation of ordinance as to whether this is a permitted use or not. If you participate in the hearing tonight, and you are certainly permitted to, you would have a conflict and would not be able to sit on the Zoning Board application. Mr. Cooper thought he'd be talking as a resident. Mr. Cucchiaro said you cannot speak as a resident here, and sit in as a Board member there. You have to choose which one you want. Mr. Cooper decided to pass in order for him to sit on the Zoning Board.

Mr. Cucchiaro stated the cross examination of the applicant has finished and they do not need to come back. Now, we have testimony from other parties. Both Mr. Lipari and Mr. Gasiorowski have their experts as well. Members of the public will be able to testify as well, whether represented by counsel or not. Mr. Cucchiaro recommends that we carry this meeting to October 8, 2020. Hopefully Mr. Lipari and Mr. Gasiorowski's experts will be available, but if not, we will start with the public to keep this moving. Mr. Lipari said his expert is not available on October 8, 2020, but if this could be extended another meeting, that would be acceptable.

Mr. Cucchiaro announced that Planning Board Application PPM1823, Countryside Developers, "Manalapan Logistics Center" will be carried to the Thursday, October 8,

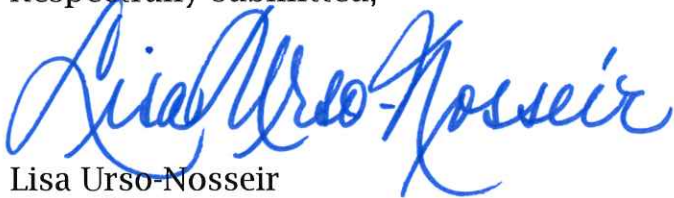
2020 meeting at 7:30 pm. The meeting will be virtual and the public can find the login information on the website. There will be no further notice to property owners.

Chairwoman Kwaak opened the floor to any non-agenda items; seeing none, it was closed. She added that the next meeting will be October 8, 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,



Lisa Urso-Nosseir
Recording Secretary

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