

Township of Manalapan

120 Route 522 & Taylors Mills Road

Manalapan, NJ 07726

(732) 446-8367

Planning Board Minutes

Virtual Meeting

March 25, 2021

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, Brian Shorr

Absent from 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 Mr. Fisher, Seconded by Mr. Castronovo to approve the Minutes of March 11, 2021 as written.

Yes: Fisher, Castronovo, D'Agostino, Kwaak, McNaboe, Jacobson, Hogan, Kastell, Shorr

No: None

Absent: None

Abstain: None

Not Eligible: Brown, Ginsberg

**Resolution: PPM1823 ~ Countryside Developers, Inc.,
'Manalapan Logistics Center'
203 HWY 33 ~ Block 78 / Lot 12.02
Preliminary and Final Major Site Plan**

A Motion was made by Ms. D'Agostino, Seconded by Mr. Brown to approve the Resolution of Denial for PPM1823, Countryside Developers, Inc., 'Manalapan Logistics Center' as written.

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

**Application: PPM2031~ K. Hovnanian at Manalapan V, LLC,
"Pinebrook Crossing"
Wilson Avenue @ Sobechko Road
Block 30 / Lots 2, 3.01, 3.02, 4 & 7.01
Preliminary and Final Major Subdivision
Preliminary and Final Major Site Plan
Carried from February 25, 2021**

Salvatore Alfieri, Esq. appeared on behalf of the applicant, K. Hovnanian at Manalapan V, LLC, for the application of Pinebrook Crossing.

Mr. Cucchiaro reminded Mr. David Fisher, Vice President, Governmental Affairs for K. Hovnanian Homes, North East Division – Edison, New Jersey, that he remains under oath. Mr. Fisher recapped what was happening with the application. Mr. Fisher recognized that some Board members had comments regarding the parking that is off street. The applicant wanted to enhance some of the parking to address their concerns. They were able to find quite a few spaces back by the condo buildings. They submitted a plan that shows an additional 26 parking spaces, recognizing that they had already exceeded the RSIS regulations. There will be additional parking at 8 or 9 additional locations where there is head-on parking. Where the market rate townhomes are, they were able to add an additional 9 spaces. Near the condo buildings, they were able to add another 7 spaces at the end of the cul-de-sac and 9 parallel spaces along Road C and additional space on Road C for a total of 17 spaces in that location. Mr. Fisher shared Exhibit A7 depicting where the additional parking spaces have been located. He pointed out on the screen the additional spots that have been created.

Mr. Fisher continued and spoke about the three story townhomes having a two car wide driveway and a garage that can accommodate two cars. The garage door is 15' wide and we have used these doors in our Maryland developments and it has worked out well. Mr. Fisher said our traffic consultant examined the RSIS regulations, he does not feel it requires a de minimis exception. Mr. Fisher spoke with the Planner Board Engineer and he does not feel that a de minimis exception would be triggered because they meet the parking requirements anyway.

Mr. Boccanfuso spoke about the modified parking plan. He reviewed it and he can confirm that it does amount to 26 additional spaces beyond what was depicted on the previous plan. He thinks that all the spaces can be put in easily, with the exception of the one building that has to shift slightly to put the one extra space in. Mr. Boccanfuso did point out that there is one proposed spot that is too close to the stop sign and would prefer to eliminate that option. They only need the RSIS exception if they want to have a two car garage and a 20' driveway, that counts as a 3 ½ spaces, but it doesn't say how wide the garage is. However it is specific that a parking space is 9' x 18'. The driveways for the townhouses count as two parking spaces. This is in addition to the newly created street parking submitted by Mr. Fisher. Mr. Boccanfuso said the RSIS requirement is 573 for the entire development, whereas 814 are currently proposed.

Mr. Shorr asked if there is going to be any designated parking spots, or are they just open? Mr. Fisher said we don't like to designate spots, but the first floor unit does not have a garage. For every condo building, we have five lower level units that do not have a garage. We have agreed to designate a reserved parking space in the closest parking lot for those five homes.

Mr. Kastell said he believes that one side of the community is still under served.

Mr. Brown asked about the seven spaces by the condo building and where the temporary construction trailer is. Is the trailer being relocated? Mr. Fisher said the timing of that could probably work out pretty well. We will need to time the construction of the condo building to coincide with the development of the market housing. If necessary, we will remove the trailer.

Mr. Castronovo understand the RSIS requirements, however he questions when RSIS was ever reevaluated after developments that have been established and to see how well the formula is working. Mr. Fisher said there is a Site Improvement Advisory Board that governs the regulations that are administered through the Department of Community Affairs. There were some minor amendments made as recent as November 2020. Mr. Castronovo says he does not see how this parking plan could possibly work, it's going to be a huge problem.

Mr. Cucchiaro swore in Allison Coffin, Professional Planner since 2005. Ms. Coffin explained the variances that are being requested. She explained that the development is substantially conforming, but there are three variances requested. The first variance is relative to the buffer. On sheet one of the deck and sign variance plan, otherwise known as Exhibit A5, Ms. Coffin pointed out several items. She explained that seven of the 175 townhomes which decks extend into the buffer area. The intrusions run from just under 1/2' to just under 4'. This variance can be granted under the C2 standard, to provide sufficient space in an appropriate location. The next variance is for signage. The ordinance allows one permanent ground sign shall be permitted. The sign shall not exceed 36' at the main entrance and 32' at the secondary entrance with a maximum height of 6' and shall have a ground clearance of not less than 2 1/2'. The applicant is requesting a 2' clearance for a 6' high sign for the purposes of providing a more pleasant sign. This variance can also be granted through the C2 standard as well. It advances the purposes of the MLUL, to create a more visual environment. The last variance is the fence variance, Exhibit A6. Behind the condo buildings the applicant is requesting to have the height of the fence at 8' instead of 6'. It will provide better screening and improve the quality of life for these residents. The fence is to be installed inside a 2' high retaining wall. It is Ms. Coffin's opinion that there will be no detriment to the Master Plan and Zoning laws.

Ms. Beahm doesn't take any exception with the signage and the fence and she supports the relief for the fence and she believes it is important to have that barrier between the residential uses and the industrial building. She doesn't necessarily agree with the testimony that the purpose of zoning under purpose G basically equates to every unit has to have the same size deck. Adjustments could be made to the deck to remove them from the buffer in their entirety and therefore eliminate that relief.

Mr. Brown asked if the decks were converted to patios on grade, would that require the same variance? Ms. Beahm said if they were the same size, yes. Mr. Fisher said these are elevated decks.

Mr. Castronovo agreed with Ms. Beahm's assessment of the decks and believes the applicant should reduce the size of the decks to conform.

Mr. Fisher agrees that the decks should be variance free.

Mayor McNaboe asked about the sign and asked if the width of the sign could be reduced which would allow it to be conforming? Ms. Coffin said changing the width of the sign wouldn't change the ratio in terms of height. Mayor McNaboe asked where the fence stops. Mr. Fisher said the fence goes past the fourth building.

Chief Hogan said he is in favor of granting the variance in terms of the decks. He is also in favor of the sign as well as the fence.

Mr. Jacobson also was in agreement with Ms. Beahm's analysis regarding the buffer.

Mr. Shorr does not have a problem granting the variances requested.

Chairwoman Kwaak did not see an issue granting the variances.

Mr. Kastell would prefer to have the decks conforming and slightly smaller.

Mayor McNaboe wanted clarification on the garbage enclosures for the affordable buildings. How many of the units in each building are using those enclosures? Are the people with garages going to still have their own can that is stored in their garage? Mr. Fisher said that is correct. Only the five homes on the ground level buildings would use those cabinets. We have enough cabinets for the lone building that is by itself. The ten homes have garages and they will keep their cans in the garage. In the case of the one building that is by itself, the one by the tot lot - we have three enclosures. Two double wide enclosures and one single wide enclosure. Each double wide can accommodate four garbage cans+-. The four condo buildings in a row, they can be paired up. Ten enclosures that service four buildings, and three enclosures that service the one other building. Mayor McNaboe wanted to make sure the size of the cans will be appropriate. He does not want the cans left out in the street. Mayor McNaboe asked why didn't they consider a dumpster? Mr. Fisher said it is more for the aesthetics more than anything. He has used this design in other communities and they have worked out well. Mayor McNaboe said the town would be picking up the dumpster. Mr. Fisher if it is not sufficient, we will certainly reconsider the dumpster situation. Chairperson Kwaak asked if the cabinets would be locked, or could anyone throw garbage in there? Mr. Fisher said we do not lock them and it's been working out ok. We put unit numbers on the cans and the cabinet.

Mr. Castronovo asked about the garbage cans in the garage. Can two cars still fit in the garage and still accommodate the garbage cans? Mr. Fisher said he believes there is sufficient room in the back of the garage with a 19' long garage to store the cans.

Mr. Cucchiaro recommended to the Board that there is a deed restriction which requires that unit owners keep the garages so that the cars can park there so you do not lose a parking space. Mr. Fisher said he understood.

Mr. Kastell said the garages are 18' wide by 19' deep and Mr. Fisher confirmed this. Mr. Kastell said he had concerns regarding squeezing the cans into the

garage and asked if this size has been tried out in other projects to see if it really can work? Mr. Fisher said this model has not been built in New Jersey, but they are used in Maryland and they have been functioning just fine and there is adequate space. Mr. Kastell said he doesn't see how the size could possibly work, it's just too tight. Mr. Alfieri said these units will be a three car credit. Mr. Fisher said the garage is 19'10" and the cars in the garage can work.

The Board took a five minute break.

The Board returned at 8:46 pm. Chairperson Kwaak asked about fencing buffering the warehouse industrial park. She is aware there is substantial shrubbery where the project backs up to the homeowners on Dortmund. What if you were also to put some type of fencing as well as the shrubbery? Mr. Fisher said we did look at that. The market rate townhomes back up to Dortmund. He does not know if a fence would really do much. Just about everyone who has a property there already has a 6' high fence around their backyard. With the combination of their fencing, the trees that already exist, plus the landscaping that we are proposing, that would be adequate. Chair Kwaak asked for confirmation that the HOA would maintain the trees in case one dies it will be replaced. Mr. Fisher said yes, all of that common area will be owned, controlled and maintained by the HOA.

The application was open to the public.

Mr. Cucchiaro swore in Michael Malizioso, 32 Dortmund Drive. He stated that he has attended all the meetings virtually. He has concerns regarding the parking, as well as the amount of traffic that this development is going to generate. Saturdays near the flea market are going to create a terrible situation and it will inhibit the ability for emergency vehicles to enter the development in an adequate amount of time. There hasn't been enough thought put into the traffic control aspect. The volume of people living in this area will inevitably need the services of the emergency vehicles. He believes people are going to park on the street and it will clog up the traffic. Mr. Malizioso asked how many handicap spaces there would be for the residents. There is a church that also generates weekend traffic as well. He was also concerned with residents expanding the size of their decks. He also believes the garbage cans are going to be a problem and he does not want to be looking at their garbage cans all the time. We need to look at the history of what has happened to the surrounding communities.

Mr. Rea said the project as it is designed has three points of ingress and egress to properly distribute the flow of traffic. The congestion created by the auction has been studied and he said the design of the community will make the whole area easier to get in and out of. The residents have the option to use the Wilson Avenue exit and avoid the auction altogether. Mr. Fisher added that HOA

documents will not permit the expansion of the decks. Additionally, we have exceeded the handicap spaces, we are providing 13 where only 6 are required.

Ms. D'Agostino asked if the HOA has a walk through every season to make sure that everyone is remaining in compliance? Mr. Fisher said many management companies do something similar to this and they can do it at their discretion. We can certainly recommend that something like this be added into their by-laws. Mr. Cucchiaro said at the beginning of the process, the developer controls the HOA. Mr. Fisher said we can get this process in place.

Mr. Cucchiaro swore in Vadym Nazarchuk, 16 Dortmunder Drive. Mr. Nazarchuk stated this project is too big for this size piece of property. The families living along Dortmunder Drive will be negatively affected and he does not agree that a 40' buffer is sufficient. There should be 200' between buildings, like by Lone Star Lane. Such a small buffer will be a disadvantage to him when he wants to sell in the future. The proposed trees will take years to grow and this will not be a proper shield between our properties. He strongly believes that people will need to store items in the garage, such as Christmas decorations, therefore the cars will never be able to park in the garage which means parking will be impossible. Mr. Nazarchuk continued and said the entire area is already congested and the new development will just make the traffic and parking a nightmare. How is this area going to handle all these new homes? What about the schools?

Mr. Nazarchuk said drainage is a big issue. The new buildings will be elevated, and higher than our existing homes. We need to make sure our homes will not be flooded. Another issue is noise - there is no information regarding the A/C units. That noise will be buzzing for half of the year and he's concerned that he will not have any quiet. He believes downsizing the project could be beneficial. He suggests leaving space between Road D and the families along Dortmunder Drive. It would be just a 14% downsizing if you count the number of buildings. There is a lot of wildlife in this area as well.

Mr. Fisher told Mr. Nazarchuk that our engineer designed swales that are incorporated into our drainage system.

Mr. Cucchiaro swore in Aleks Zabrim, 18 Dortmunder Drive. We are concerned with privacy issues and flooding matters. The plantings are insufficient and will take years to grow. There is a lot of wildlife in the area that are endangered in the area. Why is such a large basin needed? Are there wetlands in the area? Who will maintain the basin? If you cut down the trees, the remaining trees will be compromised. Please reduce the number of homes, this is just way too much and hopes the Board will take his concerns into consideration.

Mr. Fisher said there was a wetland delineation done in February 2020 that was approved by the NJ DEP. Part of our property requires a 50' buffer which means that we have intermediate resource value on site. There are no endangered species noted on the property. We are not building in any wetlands, we are not building in any wetland buffers. We will need to maintain the basin. Mr. Burneyko said the stormwater management basin is to provide a means of reducing the amount of flow that is generated from the site. It contains the water, then slowly releases it.

Mr. Cucchiaro swore in Gennadiy Vasilveskiy, 58 Dortmunder Drive. He seconded the concerns of his neighbors, especially in terms of traffic. There have been quite a few accidents in the area. He would like to see the buffer increased as well, at least by 50'. It would provide more privacy for both communities. He would like to see the amount of homes reduced and he is concerned about the drainage issues.

Mr. Fisher said we came to an agreement as part of the affordable housing program to develop this site with the number of affordable homes and that relates to the number of market rate homes, so the scope of this project has been established for quite some time. He understands that might not help, but it's the only explanation he can provide and he is abiding by the settlement agreement with the town.

Ms. D'Agostino asked if there was any way to add some more privacy to the homes in the back? How about a solid fence, or more shrubbery to provide them the privacy that they are concerned about? Mr. Fisher said the fencing would be redundant, because almost all those properties have their own fence and they are 6' high. We felt the best thing to do was to come up with a substantial landscape package which includes a combination of shrubs and evergreens that will fill in over time. There are drainage swales and we have to be careful we do not plant on them.

Vadym Nazarchuk had an additional point for the Board. He stated that Dortmunder Drive has a Friday pick-up for garbage. This is difficult during the summer to keep a smelly can in the garage. During the construction phase, what are the plans to keep noise down, or the dust - is there a fence to catch the dirt? Mr. Fisher said we have to adhere to soil erosion control measures and install a silt fence. Mr. Burneyko said we are required to submit a plan to the Freehold Conservation District and they regulate the transmission of soil and fencing. They will send an inspector out and the developer would have to make the corrective changes if necessary. If soil is dusty and dry in the summer, it is a requirement to wet down the soil. Mr. Nazarchuk asked how we will be protected? Mr. Burneyko said the dust control is regulated by the placement of silt fencing. Trucks will drive over a stone pad to remove caked-on soil.

Mr. Malizioso asked Dave Fisher how wide the streets are in the development. Mr. Fisher said they are 24' wide and there is no parking permitted on either side of the street. He asked about the bus stops for the children, and Mr. Fisher said he would certainly be in touch with the school transportation department before the development is started to get a better idea of how to service the community. Mr. Malizioso said people park along the side of the road when parents are waiting for the school bus. What happens when people don't pay attention to the rules? Mr. Malizioso said he is concerned with the second story decks, which will look down into his development and backyards. He would be happy to have more privacy from the new development. He feels like these two communities are going to be starting off on the wrong foot and there could be tension.

Seeing there were no more questions from the public, Chairwoman Kwaak closed the public section. Chairwoman Kwaak suggested to Mr. Alfieri and Mr. Fisher to please speak to the school transportation department for more information regarding future bus stops for this community. Ms. Beahm said the Board of Ed makes a decision based upon the number of kids that actually live in the development and the ages of those children and what school they go to. It is premature at this point and in any event, the Board of Ed makes the decision. Mr. Fisher there is a benefit in this community of having entrances on either end of the development.

Mr. Fisher wanted to add some points regarding the size of the garages and the garbage cans. He looked up the depth of the single car garages for the condos. They are 21' deep, which is significant and plenty of room for a car or SUV and garbage can storage. They are actually a little bit deeper than the three story townhomes. There are a pair of garages together because they service the two units above. There is room at the back for the garbage cans.

Mayor McNaboe said he is still not comfortable with the garbage situation. Mr. Fisher said he requests that we accept a condition that allows some flexible with respect to how the ultimate enclosures are designed for those units. If we feel that based on one time a week pick-up that two garbage cans are not enough for each of these units, then we will design something larger, or a dumpster, based on comments which we have received from the Board Planner. Mr. Cucchiario said the developer will control the HOA for certain amount of time. However, it may be that the problem doesn't manifest until after you turn over power. We have to think about that. Mr. Fisher said he is flexible and we are open to considering a larger enclosure, or a dumpster. Mayor McNaboe said the huge cans won't fit in those enclosures. Mr. Boccanfuso said the applicant should submit the actual plan that shows the enclosures if we are leaning that way.

Mr. Cucchiario said if the Board grants Preliminary and Final, then we'll never see an updated plan. One option would be if there is a positive vote tonight, that it

be Preliminary with a condition that this issue be addressed at the time of Final. Another option is that the Board can carry this to another date and allow the applicant to put the plan together, and the applicant could ask for Preliminary and Final at that time.

Ms. D'Agostino was concerned that the residents on Dortmunder Drive are not getting the adequate amount of privacy. Mr. Fisher said this is a deck, while elevated, it is 90' or so away from the homes behind it. It would look awkward to have a barricade on the outside of the deck.

A Motion was made by Mr. Ginsberg, Seconded by Mr. Brown to grant Preliminary approval and variance relief for PPM2031-Pinebrook Crossing. They will return to the Board for Final approval.

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

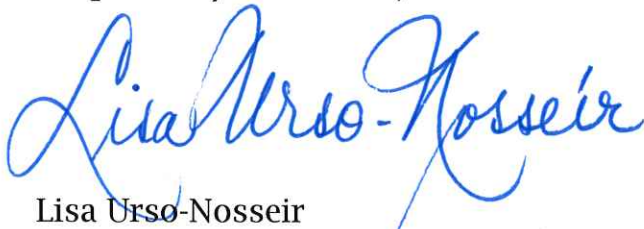
Chairwoman Kwaak opened the floor to any non agenda items.

Alex Zambrim, 18 Dortmunder Drive spoke of the recent car accident when a young driver flipped over the car. He asked if the Township is going to install speed bumps to prevent something like this from happening in the future. Mr. Cucchiaro said this is matter for the Township Committee to answer your question.

Chair Kwaak reminded the Board that the next meeting is April 8, 2021.

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

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary