

Township of Manalapan
120 Route 522 & Taylors Mills Road
Manalapan, NJ 07726
(732) 446-8367

Planning Board Minutes

Virtual Meeting

February 24, 2022

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 D. 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 February 10, 2022 as written.

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

Resolution: PPM2104 ~ Stavola Asphalt Company
Manalapan Landing
Woodward Road and Route 33
Block 7232 / Lots 1.04, 1.06 and 2.04
Bifurcated Preliminary and Final Major
Subdivision Approval
Preliminary and Final Site Plan Approval with
Ancillary Variance Relief~Residential Portion Only

Mr. Cucchiaro received comments from the applicant's attorney and the revisions have not been agreed upon. The Resolution will be carried to March 10, 2022 for memorialization.

Applications: PMA2149 ~Village at Battleground Neighborhood
Association, Inc., c/o Association Advisors NJ
2 Yates Road ~ Block 6513 & 6514 / Lot 1
Amended Preliminary and Final Site Plan

Christopher Lugara, Esq. of Cutolo, Barros represented the applicant this evening. The application consists of the reconstruction of the two entrance signs for the Association. The Township previously granted approval for the initial construction of the signs back in 2012. The current signs are in disrepair and new signs will match the signs of surrounding properties. They will be beneficial to identify the property, and for emergency vehicle entrance as well. The new signs are going to be slightly larger than the originally approved signs, and they will be requesting a sign variance for the clearance since now they will be monument signs.

Mr. Cucchiaro swore in Mary Jo Strickik, Property Manager for Association Advisors, NJ. Ms. Strickik said the signs are falling apart and the monument signs will better reflect the community. Ms. Beahm said the Ordinance states that the requirements for signs is to have 2 ½' ground clearance, where zero is proposed for both; 32 sq ft is the requirement and one sign is 68 sq ft and the other 75 sq ft, 6' in height is what is permitted, and both the signs are proposed at 7 1/2'. Ms. Beahm said each sign requires relief from three parameters - the height, the square footage and the ground clearance.

Mr. Boccanfuso asked Mr. Lugara if any grading was required for the monument signs. Mr. Boccanfuso asked that if a grading plan is needed, that he would be able to review it. Mr. Boccanfuso asked about the existing easement near the existing sign which is identified as a 20' wide landscape easement, which overlaps the 10' wide utility easement. Are there any new improvements proposed in those easements? Mr. Lugara said no, it's just the signs.

Ms. Beahm asked if the signs are going to be illuminated and Ms. Strickik said no, but there are existing spot lights that we are going to keep as is.

Chairwoman Kwaak asked the Board if they had any questions. Mr. Kastell asked if the signs are going to be placed near the corners. Mr. Lugara said they are at 35' from Route 33 and 27' from Yates Road. Chief Hogan stated that he strongly supports any signs that help identify a development for emergency service vehicles. Chair Kwaak said across from the existing sign is a small stone wall with columns. Ms. Strickik said for monetary reasons, they are just going to leave it the way it is.

The application was opened to the public for any comments and questions, but seeing none, the public section was closed.

A Motion was made by Chief Hogan and Seconded by Mr. Castronovo to approve the sign for PMA2149, Village at Battleground Neighborhood Association, with the conditions and three variances requested.

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

PPM2106 ~ Mercer Realty Partners, LLC
51 HWY 33 ~ Block 79.02 / Lots 4.01, 4.02 & 7
Preliminary and Final Major Site Plan

Ronald Shimanowitz Esq. of Hutt and Shimanowitz represented the applicant this evening, Mercer Realty Partners, LLC. We are seeking Preliminary and Final Major Site Plan approval and we are seeking at least one, maybe two, design waivers. The property is in the SED5 zone and Route 33 overlay zone. The property is generally bounded on the North by Route 33 Business and on the South by Route 33 Freeway. The proposal is for flex space, and that is a permitted use within the SED5 zone. The total square footage is 232,920 sq ft which is broken down into different uses which will be further explained. The one waiver that we need is for foundation landscaping. We will have five witnesses tonight to testify.

Mr. Cucchiaro swore in John Kainer, principle and owner. Mr. Cucchiaro questioned whether Mr. Kainer was a 'fact' witness or an expert witness. Mr. Shimanowitz said Mr. Kainer has extensive experience in the field of warehousing, distribution, manufacturing and flex space. Mr. Cucchiaro stated that since Mr. Kainer doesn't

hold a particular license, he would be more of a fact witness. Chairwoman Kwaak and the Board agreed Mr. Kainer would be better suited as a fact witness.

Mr. Kainer continued and went over the proposed uses, which are limited to the following permitted uses: production, processing and assembly, contractors office and shop, wholesale trade establishments and warehouse with office space. Currently there is no tenant in mind for the building. An approximate employee count for production, processing and assembly space, we are expecting approximately five employees working one shift daily. The contractors office and shop would also have about five employees working a single shift per day. For the wholesale trade establishments, again we are expecting about five employees working one shift per day. The warehouse and office space would be about 34 employees on different shifts. The day shift would be between 7:00 am - 3:00 pm working Monday through Friday. The second shift would be 3:00 pm - 11:00 pm Monday through Friday. A lot of these businesses sometimes work a half day on Saturday, usually in the mornings and up to 1:00/2:00 in the afternoon. We want to build a Class A facility and maintain it as such. The ownership will not allow any tenants that will abuse the building or its tenants.

Mr. Cucchiaro wanted to go over the hours of operations. Would those hours be a stipulation? Mr. Kainer said it is a generalization about what businesses would occupy this building would generally work. Mr. Cucchiaro asked if there would be 3rd shift? Mr. Kainer said it is less common for a building like this. Mr. Cucchiaro said the number of employees is dependent upon the business, correct? Mr. Kainer said yes, this is approximate count.

Ms. Beahm asked you are representing that this is flex space, correct? Mr. Kainer said yes. Ms. Beahm said I'm assuming you read the definition of what a flex space is in Manalapan Township? Mr. Kainer said yes. Ms. Beahm said it is a building that is occupied by two or more uses. Are you restricting a specific portion of your building for specific uses, because as you stated, there is no tenant. Therefore you can't absolutely say to me you have two separate uses, you are in theory saying these are the proposed uses that you are thinking of. Mr. Kainer said that is what is allowed in the zone, so that's what we are going to stick with. Mr. Shimanowitz said we spent a fair amount of time on the actual definition of flex space, and the answer to your question is, as per plans submitted, and particularly the architectural plan, the answer is yes - we are stipulated that those uses will be required in the building. The building cannot be 100% warehouse. There will be other areas dedicated to contractors and limited to those uses. Ms. Beahm said based upon the plans that she has, 95% of the building on the plans is warehouse. It shouldn't be 95% warehouse and a sliver is "office" and that you are representing that it is flex. At some point there is going to be a minimum square footage that needs to be allocated in that building to a use other than warehouse in order for her to reconcile the flex space definition. She wants to make sure that we maintain

jurisdiction and she wants it clear on the record that she is going to be asking for a specific percentage, beyond 5%, for something other than warehouse because otherwise you are just masking a warehouse in a zone that doesn't allow warehousing as a principle use. Mr. Shimanowitz said he understood and hopes the next witness, their planner, will be able to develop this a bit more. Mr. Shimanowitz said the definition doesn't have such percentages and for the Board to require such percentage is beyond what the ordinance requires and that's where the disconnect is.

Mr. Cucchiaro swore in Daniel Bloch, Professional Planner at Colliers Engineering and Design. Mr. Bloch stated his qualifications and the Board accepted his credentials. Mr. Bloch submitted a letter dated December 21, 2021 which outlines his position. Mr. Bloch said the site is 26.75 acres located along Route 33 and Route 33 Business and has two frontages. We are located in the SED5 and Route 33 overlay zone. This is an existing farm with a number of structures on the property. The applicant is looking to construct a 232,920 sq ft flex space building on the property. He stated the ordinance reads that a flex space is a building occupied by two or more uses permitted in the zone. The permitted uses include restaurants, planned office park, motels, convention centers, indoor recreation, research establishments and laboratories, health care centers, adult daycare center, data center, fitness/health club, media production, supermarkets, artisan crafts, commercial schools, institutional and vocation schools. The applicant is proposing a building with more than two uses as per the definition. As Ms. Beahm pointed out, the office is an accessory to the warehouse and there are three other specific individual spaces with their own accesses and loading docks separate and apart from the warehouse space. Mr. Cucchiaro asked Mr. Bloch to identify the uses again. Mr. Bloch shared Exhibit A2, the proposed building. He showed that the largest space is the warehouse space and there are loading docks in the back of the building. On the right side are three individual spaces and the top one is identified as establishments for production/assembly, the next space is for contractors, offices and shops, and the third space is wholesale trade establishments. Each of these spaces is 2,675 sq ft. At the top left corner is office space at 4,400 sq ft. The warehouse is 220,495 sq ft. Mr. Bloch believes what is being proposed is consistent with the definition, as well as the Master Plan. We are not proposing a distribution or fulfillment center.

Mr. Cucchiaro asked Mr. Bloch if the uses he listed will function independently, or is there a relationship between the various uses? Mr. Bloch said it is his understanding that each use will operate as a separate and distinct entity as a tenant and would not be interrelated between the different spaces.

Ms. Beahm asked if the office space would be an accessory to the warehouse and Mr. Bloch said that is a fair assumption. Ms. Beahm said she agrees, the definition does not have minimum sq ft requirements to quantify more than one use, but

this proposal is 97% warehouse and 3% three other uses. Ms. Beahm said that Mr. Bloch is asserting that a production and assembly use is going to occupy 2,675 sq ft. What exactly could be produced and assembled in that small space? Mr. Bloch said that would be a better question for Mr. Kainer. Ms. Beahm asked again, what specific type of business could occupy this small space? Are the items produced and assembled going to be stored in the warehouse? Because then it could tie into a warehouse use. Please explain what business could work in 2,675 sq ft? Mr. Kainer said there are many different tenants that can occupy those spaces. Mr. Kainer said some wood shops that make small crafts, for example. Mr. Cucchiaro asked Mr. Kainer to give an example from some of his surrounding projects. Mr. Kainer said at this point, he is not required to have a user at this stage in the process. An example would be a printing company or accents for a furniture company. Each of those three units will be separate units.

Mr. Cucchiaro said what happens when you have a warehouse that wants to come, but you haven't leased out the second use yet? Is the warehouse allowed to come in and start operating? What happens if you do have two users, but one happens to go out of business and is no longer operating? Does the other business get to stay in business? Mr. Bloch's opinion is that as long as that space is available and designated for that use, whether there is an occupant in that space, is immaterial. If the warehouse was going to take over that space, then you have an issue. Mr. Cucchiaro stated if a warehouse came in, they are allowed to be there, even if no second use ever manifested itself, as long as there is some effort to actively market the other spaces. Ms. Beahm said the ordinance says two or more uses occupied in the building - not available for occupying. Ms. Beahm said perhaps a condition could be no COs issued until there are two secured tenants.

Mr. Boccanfuso asked if the 4,400 sq ft of office would be the only office space available in this building? Mr. Bloch said it is his understanding the office space can be accessory to the warehouse, or a completely separate use, such as a real estate office. It is possible that there is additional office space within the warehouse space.

Ms. D'Agostino asked for confirmation on how many tenants would be occupying the building. Mr. Bloch said it is a multi tenant building with at least four different tenants. Ms. D'Agostino asked are there multi uses? Mr. Cucchiaro said the ordinance is specific, but if you satisfy the list of criteria, then you can be designated a flex space.

Mr. Jacobson asked about the three smaller uses - do they have loading docks? Mr. Bloch said there would be overhead doors for each of those uses.

Mr. Brown said since there are multiple tenants with four uses, can you explain the proposed signage? Mr. Shimanowitz said we acknowledge that there is no sign

package and we'd have to come back in, either for a permit if they are conforming signs, or to the Board if we are seeking relief. It will come later as we develop the site. Mr. Brown asked Mr. Cucchiaro if we are considering the jurisdiction? Mr. Cucchiaro said jurisdiction is not assumed, but jurisdiction cannot be determined until we hear the proposal. We can transfer the application, should it become necessary.

Mr. Ginsberg asked at what point, for either sq ft or percentage, do the other uses become *di minimus* in nature? Mr. Bloch said there is no required percentage or minimum floor area per the ordinance definitions, so as long as there is a viable use there, then it meets the definition. Mr. Ginsberg said theoretically you could reduce those spaces to 100 sq ft and still present this application. Mr. Bloch said what we are proposed is appropriate as per Mr. Kainer's testimony. Ms. Beahm said the Board is going to have to opine as to whether this is warehouse, or flex space.

Mr. McNaboe said he is having difficulty with the percentage break-up of the building as well. He is ready to hear the testimony of the applicant's other professionals to see if the space is appropriate under the flex space definition.

Mr. Schorr asked if there is a common ownership of the four spaces. Mr. Shimanowitz said the real estate will be owned by one landlord. Mr. Bloch said the four businesses will be separate entities. Mr. Schorr said it is common ownership? Mr. Shimanowitz said there is a small possibility, but it will more likely be four separate owners.

Mr. Castronovo said he is in agreement with the other Board members regarding the use of the additional spaces. But what if those spaces never get leased? What are the ramifications of that? Does the warehouse portion need to vacate? At what point is there enforcement, or what is the code enforcement officer's role? Mr. Cucchiaro said the applicant said in their view, all they need to do is offer the space, it need not ever be occupied. He also believes the portion of the office space of 4,400 sq ft vs 2,675 sq ft seems backwards.

Mr. Fisher asked to see a rendering of the building. It was explained that the architect will be presenting this shortly. Mr. Fisher asked if a tenant wants to expand, could they knock down walls and have the ability to gain more square footage? Mr. Shimanowitz said that is possible as long as they can comply with the ordinance and all other regulations.

Chief Hogan asked Mr. Kainer about the offices within the warehouse. In other warehouses that you're working with, have they had mezzanines, and if so, please explain the size and use of such mezzanines. Mr. Kainer said he has not designed a building with a mezzanine, but he has seen many tenants over the years that have done so. Mr. Kainer said most mezzanines are above the loading docks in order for

them to store financial paperwork and such. Sometimes businesses want to conserve the floor space and may use the mezzanine as a small office space. Chief Hogan will wait for the architect to display their plans. He asked Mr. Kainer what other buildings in the nearby counties he has built. Mr. Kainer said he does the interior layout, but has not constructed a building yet.

Mr. Kastell asked Mr. Kainer for greater detail of a warehouse vs a distribution center. Mr. Kainer said the warehouse use is basically storing goods. Mr. Shimanowitz asked Mr. Kainer for a good example. Mr. Kainer said there is a Home Depot warehouse in Cranbury, and they store all sorts of products that go to their stores. So they consolidate things, and then they ship items out. Mr. Shimanowitz said we will follow the Township's definition for flex space.

The Board took a 10 minute break at 9:15 pm.

The Board returned at 9:25 pm.

Mr. Bloch explained they were seeking a waiver for landscape foundation plantings. We need a waiver because the foundation plantings do not surround the entire building. Mr. Bloch shared Exhibit A2, colorized landscape view. Mr. Bloch showed the Board that there are sufficient plantings around the building except in the back where the loading docks are. We do meet the 15% for the landscape area. There was additional landscaping added to account for the portion of the building that doesn't have foundations. Mr. Bloch explained that there are berms planted on the Route 33 greenbelt to screen the view of the site. We are proposing berms along Route 33 Business, as well as along the freeway. They do not extend the entire frontage because to the West that portion of the site is remaining natural as it is. There are no berms proposed on the Western portion. Therefore we are requesting a waiver for that section. Mr. Shimanowitz asked Mr. Bloch if it would be impossible to put foundation landscaping, or impractical to install foundation landscaping? Mr. Bloch said impractical is a better term, in order for any type of vehicle to enter the building, you'd need the pavement to abut the building and you cannot have plantings in that area. The site engineering will have further testimony on the location of the berms.

Ms. Beahm said the berms are impractical in your opinion, because that is based upon the design you are proposing, correct? Ms. Beahm stated you do indeed need a waiver for the berming along Route 33.

Mr. Cucchiaro swore in Renee Anstiss, Professional Engineer at Colliers Engineering and Design for 23 years. The Board accepted Ms. Anstiss' credentials. Ms. Anstiss met with Shari Spero in the field to discuss the limits of the berm and what we needed to screen and it was discussed based on the site meeting that landscaping berms would be added along the Route 33 business frontage where there are

currently no forested areas. This plan was discussed at the TRC. There is some berming provided by the Route 33 ramp as well since it looked vacant. Chairwoman Kwaak said from the exhibit, it looks like flat trees, are you going to provide a hill-like berm similar to other berms along Route 33? Mr. Boccanfuso said there are topographical changes proposed with elevations. Ms. Anstiss shared the grading plan on the screen for the Board. She showed the various elevations which indicate the grading so the berms have the hill-like effect along Route 33. The berms will be higher than the parking lot, and then the landscaping will be on top of that providing adequate screening. Ms. Anstiss understands that a waiver is required for the berm.

Ms. Anstiss shared Exhibit A1, the aerial photograph. The site is along Route 33 Business and Route 33 Highway. To the north are single family residential homes, to the south is agricultural and partially vacant parcels. The site contains several abandoned buildings which will be removed and it slopes from east to west and there are no wetlands present and the lots will be consolidated. Ms. Anstiss shared Exhibit A2, the landscape plan exhibit. The permitted flex space building's height is 49.27' whereas 50' is permitted. Ms. Anstiss went over the permitted uses that could be used in the building. There will be 123 parking stalls which are 10' x 20' for passenger vehicles whereas 77 stalls are required and four are dedicated for electric charging stations. Additionally, five parking stalls are ADA accessible. Site access will be from Route 33 Business with a 45' driveway and circulation will be provided around the entire building. There will be three overhead doors for the proposed smaller flex uses. There are 37 trailer spaces proposed south of the building and they are 12' wide x 55' long with a 75' access aisle. A masonry block refuse enclosure is proposed north of the warehouse, additionally trash compacters are proposed in the loading docks area. Two driving ramps are proposed to access the warehouse establishment. The compacters are screened by landscaping and will be serviced by a private hauling company. There is a 120' buffer to the north, and to the south, a 101' buffer is provided. There is a 235' rear yard setback proposed from the residential development. There is a proposed 201' front yard setback. The berms range from 3' - 11' along the Route 33 Business. Stormwater management will be managed through the porous pavement and infiltration basins and we will comply with all of CME's comments. The tree replacement requirements will be exceeded and there will be 459 trees installed. There will be 25' high pole-mounted and 25' high wall-mounted lighting and it is LED lighting. We will connect into the Route 33 Business 10" water main.

Ms. Anstiss said the outside agencies that they have applied for include Monmouth County Planning Board for Site Plan approval and they did receive it. They applied to Freehold Soil Conservation District and received approval. The DOT application is pending. They have a LOI and Freshwater Wetlands approval. The Board of Health approval will be required for the septic system. Fire hydrant tests will be

conducted and we will finalize the design of the water and will apply to Manalapan Township for the next water approval that they need.

Mr. Boccanfuso stated that the most recent report he submitted was Engineering Review #2, there was a TRC following the issuing of Engineering Review #1. The resubmission by the applicant did address many of the engineering comments in our first report. Mr. Boccanfuso said he does have questions for the Traffic Engineer who will testify at the next hearing. Mr. Boccanfuso said he had a number of questions regarding the Stormwater Management that Ms. Anstiss agreed to take care of, in particular the groundwater recharge analysis. Ms. Anstiss said she will redesign the Stormwater Management comments to comply with the current regulations.

Mr. Boccanfuso asked Ms. Anstiss about the oversized parking spaces on the south side of the building and what the purpose of them is. Ms. Anstiss said they are trailer parking spaces, which is a standard amenity for a building of this type. Mr. Kainer said the spaces allows the operator of the building to change out trailers for loading and unloading in a quicker time frame because they can store some trailers on site that need to be unloaded. It's time saving and efficient for the tenant. Mr. Boccanfuso asked if the spaces would be occupied by trailers for any extended period of time? Mr. Kainer said it is generally for containers coming down from the port and they are waiting for an opportunity to get to one of the loading docks, so they are generally turned around pretty quickly, within a day or two because there is a charge everyday that the container and chassis is not returned to the port, so they tend to make that a priority. It is not a long-term dwell there. They store some of their 53' trailers there empty until they need them somewhere else. Mr. Boccanfuso asked is the storage an undetermined amount of time - days, weeks, months, years? Mr. Kainer said they want to keep them in service because they want to generate income from them. Some companies might lease them to other people, but generally for a day or two, could be longer depending on the tenant. Mr. Boccanfuso said so it varies and Mr. Kainer agreed. Mr. Boccanfuso said that our ordinance requires sidewalks and curbing along the frontage of all site plan applications, but neither is proposed on either frontage. Ms. Anstiss said currently there is no sidewalk along the frontages. Mr. Kainer said he will make the full contribution to the fund and we do not believe it is a walking or pedestrian area.

Mr. Boccanfuso asked Ms. Anstiss if she has appeared before the Environmental Commission. Ms. Anstiss said the Environmental Commission asked for the electrical vehicle charging stations in the parking lot, which we did provide. They asked for milkweed to be incorporated, which we did. They also asked for the solar on the roof. The building will be solar ready, but we are not proposing it at this time. Mr. Kainer said we will be providing solar as much as possible, we are working with a community solar company at this time. Ms. Anstiss went over the Environmental Commission's recommendations which the applicant will comply

with. Ms. Anstiss is aware of the state regulations regarding the electric vehicle charging requirements and the applicant will comply. Mr. Boccanfuso asked Ms. Anstiss about meeting with the Fire Bureau. She said the turning radius plan was submitted to the Township. We doing the fire hydrant flow test and more information will be provided. She is aware that she has to meet with the Fire Bureau and will do so in the near future.

Mr. Fisher said the Environmental Commission asked for signs posted about idling vehicles and the applicant will comply with that request. Mr. Boccanfuso asked did the Environmental Commission want the applicant to return for another meeting? Mr. Jacobson said there is no reappearance required.

Giving the time, Chairwoman Kwaak announced that she would like to carry this application. Ms. Nosseir offered the date March 24, 2022, but Mr. Shimanowitz has another obligation. The date of April 28, 2022 was offered, but Mr. Cucchiaro said we can carry it to March 10, 2022 for scheduling purposes only and we would have a better idea of when we would return to the courtroom.

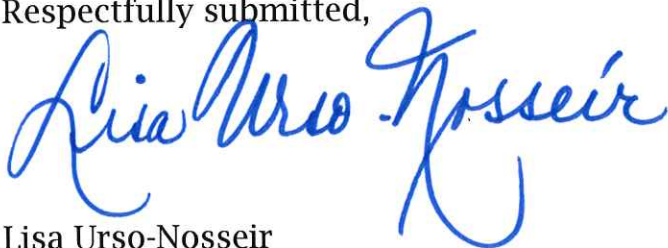
Mr. Cucchiaro carried application PPM2106 - Mercer Realty Partners to the Board's March 10, 2022 for scheduling purposes only. There will be no further notice to property owners.

Ms. Nosseir stated there wasn't anything to share this evening. Chairwoman Kwaak opened the floor for any non-agenda items. Seeing none, the public portion was closed.

Chair Kwaak reminded the Board that the next meeting is March 10, 2022, which will remain virtual.

Chief Hogan made a Motion to end the meeting at 10:45 pm and it was agreed to by all.

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary