

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

Planning Board Minutes

October 13, 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: Daria D'Agostino, Barry Fisher, Todd Brown, John Castronovo, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Richard Hogan, Steve Kastell

Absent from 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 Mr. Fisher, Seconded by Mr. Castronovo to approve the Minutes of September 22, 2022 as written.

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

Resolutions: **PMS2061A ~ Anthony Mazzei**
314 Tennent Road ~ Block 19 / Lot 40.01
Preliminary Major Subdivision

A Motion was made by Chief Hogan, Seconded by Mr. Brown to approve the Resolution for 314 Tennent Road, as written.

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

PPM2104 ~ Stavola Asphalt Company
Stavola Woodward Road - Medical Office
Woodward Road and Route 33
Block 7232 / Lots 1.04, 1.06 and 2.04
Bifurcated Preliminary and Final Major Site Plan

Mr. Cucchiaro announced that the Resolution for Stavola - Medical Office, is carried to the October 27, 2022 Planning Board meeting.

Applications: **PAS2222 ~ CMP of Manalapan Realty, LLC**
363 HWY 33 ~ Block 74/ Lot 13.02
Amended Final Site Plan
Carried from August 25, 2022

Mr. Cucchiaro announced that Application PAS2222 ~ CMP of Manalapan Realty, LLC has been carried to the December 8, 2022 Planning Board meeting and there will be no further notice to property owners.

PPM1727 ~ The Preserve at Lambs Lane
Lambs Lane ~ Block 74 / Lot 14.02
Extension of Time for Preliminary
Major Subdivision

Peter Licata, Esq. represented the applicant these evening. Mr. Licata has spoken to Mr. Ploskonka, the project engineer, and reminded the Board that this application previously received Preliminary Subdivision approval. Applications were also made by the applicant to the NJ DEP, the County Planning Board and Freehold Soil Conservation District, which are in process. In addition to that, earlier this year the owner of the property entered into a contingent contract with the owner of the Gaitway Horse Farm. Depending on how that contract

unfolds, it may result in these approvals no longer being necessary in order to perfect them. However, we would like to preserve an extension of the preliminary approval and if necessary, have that remain viable in order to proceed with an application for Final approval.

Mr. Cucchiaro asked Mr. Licata and Ms. Beahm if there has been a change to the zone. Ms. Beahm said there has not been a change to the zone. Mr. Cucchiaro said essentially, what the Board looks for in these applications is that there has been a good faith effort to pursue outside agency approvals. This will vest their rights for the approval for another year.

A Motion was made by Mr. Fisher, Seconded by Mr. Brown to approve the Extension of Time for one year for PPM1727 – The Preserve at Lambs Lane.

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

PPM2104 ~ Stavola Asphalt Company
Stavola Woodward Road-Retail
Woodward Road and Route 33
Block 7232 / Lots 1.04, 1.06 and 2.04
Preliminary and Final Major Site Plan
Carried from August 11, 2022

Peter Wolfson, Esq. of Day, Pitney represented the applicant, Stavola Asphalt Company. Mr. Wolfson reminded the Board that at the end of our last meeting we had completed the testimony from our engineer, architect and traffic engineer and it had been opened to the public for questions and comments. He noted that Mr. McNaboe wanted to have a discussion regarding the signs and we are prepared to do that.

Mr. Cucchiaro reminded the architect, Chuck Dietz, that he remains under oath. Mr. Wolfson said there was a proposal by the applicant to reduce the size of the pylon sign and the height of the pylon sign at the intersection of Route 33 and Woodward. The reduction in the height of that pylon sign eliminated a variance and greatly reduced the area of that pylon sign. Mr. McNaboe said he was looking at the signs on the building and asked for the total count.

Mr. Dietz displayed on the screen architectural sheet A2, which was previously submitted and it is Retail A, which is the building at the intersection of Woodward Road and Route 33. We are proposing four tenants and we are

showing four main front façade signs which would be on the south elevation and because this building faces two roads, we are proposing one additional sign for the end tenant that would be facing Woodward Road. These four signs face Route 33, and the additional sign faces Woodward Road. We are proposing all these signs to be of the size and sq ft per the Ordinance. Ms. Beahm said the number of signs you are proposing needs relief, correct? Mr. Dietz said yes that is correct.

Mr. Dietz said on Retail B, which is the middle building, the Ordinance says one sign is allowed. We are proposing one façade sign facing Route 33 for each of the tenants, so this building could be broken up to six tenants, so we would be proposing six signs along the façade facing Route 33.

Mr. Dietz said the last building, which is the Burger King, again with the Ordinance, one façade sign per building and we are seeking relief by proposing the logo sign and their tag line so that elevation would have two signs on it. The south elevation at their entrance would have the Burger King logo, or sign number three.

Mr. Dietz said we are proposing two curb cuts along Route 33 and we are proposing three free standing signs. There would be one curb cut on Woodward Road. The first sign would have the Burger King logo at the top, and then eight tenant panels in that sign at the driveway entrance onto Woodward Road for a total area of 108.78 sq ft and the signage area is 80 sq ft. Mr. Dietz referred to architectural sheet A9. The second sign is the largest sign that is at the main driveway in the middle of the property coming off of Route 33. It is 23'8" tall. It has six panels and is 251'.65" which we would need relief for. The third sign along Route 33 is at the intersection of Woodward Road and Route 33. We reduced this sign from 23' to 19', and only shows four tenant panels. It is a total of 189'.47" sq ft, but if you only calculate the four tenant panels, it would be at 74'.67" sq ft. It still needs relief, but it is better than what we previously proposed. Mr. Dietz said the last sign is the last driveway coming into the Burger King off of Route 33.

Ms. Beahm said we heard this at the last meeting and while she does agree that there are significant deviations, she does understand the necessity based upon the tenants, etc. She would defer to the Board. She understands the concern over sign clutter. Mr. Boccanfuso said he would like to have Mr. Dietz review what the Ordinance requires. Mr. Dietz said we are seeking both height and area relief. The height is 22', and the area is 80'. Therefore, the largest sign would be one foot over the Ordinance requirement. Ms. Beahm said the permitted sign area is 80 sq ft and you are at 100'+. Mr. Dietz said yes, we over for the area. Ms. Beahm said another sign requirement is 80 sq ft and you are at 251 sq ft. Mr. Dietz said all of the signs exceed the 80 sq ft area requirement and one sign exceeds the 22' height elevation.

Chief Hogan asked if the signs are illuminated internally? Mr. Dietz said that is correct - internally illuminated.

Mr. McNaboe wanted to go through the signs again. He agrees there should be signs on both Woodward Road and Route 33. What if a tenant takes multiple spaces? This is a lot of signage, almost too much to read as you go by. Are you going to name this center? Mr. Dietz said no name. Mr. Dietz said this is an unanchored shopping center. Mr. McNaboe said there are ton of unanchored centers up and down Route 9. He believes there is a lot of signage for one center.

Chairwoman Kwaak asked what is going to stop you from splitting those four tenants to get six names on the sign? Chair Kwaak said the sign that is going to be on Route 33 and Woodward Road - you're only showing four tenants. Mr. Dietz said we could split one sign and have the sq ft remain the same, we would not add more sq ft. Mr. Dietz said the buildings are small and highly unlikely they would be further split. Ms. Beahm said so are you saying this is max sq ft? Mr. Cucchiaro said the size is the size - no matter how many tenants they have. Mr. Dietz said that is correct. Chairwoman Kwaak asked Mr. McNaboe which sign would you eliminate? Mr. McNaboe said in his opinion between having on the building and driving by - remember there is a light - so you are going anywhere from accelerating from zero to driving by at 55 MPH. It's a lot of signage and the more you put up, you actually water down what you are trying to do by just having sign overload.

Mr. Cucchiaro stated that the applicant has presented their plans - this is what they are offering to you. You can accept it, you can deny certain variances if you want, but this is what they are proposing. Exhibit A17 was displayed on the screen, Retail A, Retail and Burger King. Mr. Dietz showed where the first free standing sign is located at the driveway entrance off of Woodward Road. The second sign which they reduced the size, is at the corner of Woodward and Route 33. The largest sign that has both the height and area variance, is at the main driveway and then the Burger King monument sign at the last driveway.

Mr. Jacobson said he'd like to see the address number on the sign. Mr. Wolfson said that is a great idea and we will add the number onto the support system. Mr. Jacobson said, no - in lieu of having all the words - it should be the number. Chair Kwaak suggested putting it on the largest monument sign.

Ms. D'Agostino said she just wanted to confirm that the signs on the actual façade are a certain sq ft. Mr. Dietz said right now without tenants we have shown them to be conforming to the Ordinance. If a tenant wanted a larger sign, they would have to appear before the Planning Board for a variance.

Mr. Brown said he agrees there are too many signs. Just for reference, on Route 9 there is a sign at Pond Road Shopping Center – how are those in perspective for visual purposes. Mr. Dietz said he designed those and the large one is still a bit taller than what we are proposing tonight. Mr. Brown said he would like to see on Route 33 just two pylon signs, the Burger King and then one at the intersection only.

Mr. Castronovo has a dilemma with the variance itself and asked for the professional's assistance. When the sign requirements were developed, was consideration taken into the speed of the highway that the cars would be traveling at? He is trying to understand why they can't conform to our requirements. Ms. Beahm said she cannot speak to the intent because it pre-dates her, however, she highly doubts the speed of the highway was taken into consideration. Generally most ordinances envision one sign per street frontage in terms of the free standing sign. Ms. Beahm said three signs along Route 33 are excessive and that two would probably be more than enough.

Mr. Fisher said isn't there another drive-in restaurant? Mr. Dietz said that is correct and we do not know who the tenant is yet. Mr. Fisher said won't they want a sign? Mr. Dietz said that would be part of the lease negotiation with the applicant and tenant.

Chief Hogan addressed Mr. Castronovo's question. He recalls over the years that the Board spent many hours discussing signs and we asked the planner at the time to come up with some models for us to look at. We had signs from other neighboring towns. Collectively the Board at that time decided that this would best fit our Ordinance and coming with the sq ft and size for the signs. He does not believe speed had anything to do with it. It was just the aesthetic look of the sign and how much signage do we really want. We took Route 9 into account as well when this ordinance was developed.

Mr. Wolfson said the applicant would propose to eliminate the sign at the corner, thinking that placement in the middle is going to be more useful. We would like the flexibility to place it on either side of the driveway to consider the best orientation for it.

Mr. Cucchiaro said what would the elimination do to the variance relief? Mr. Wolfson said we would be looking for one less free standing sign, but he believes he would still need a variance, but it would be much less intense. We will have one façade per tenant with conforming size. The sign we are proposing to retain in the middle is 23' high. Mr. Dietz said the clearance under the sign is conforming. Mr. Boccanfuso said simply, it going from four signs to three, where one is permitted.

Mr. Cucchiaro said the Board has some questions regarding the left turn onto Woodward Road. Mr. Boccanfuso said he questioned the applicant at length last time relative to the left turn issue. He believes Mr. Castronovo had asked the traffic engineers for some examples. Mr. Boccanfuso said in response to that request, there was a report submitted by Dynamic Engineering. He has reviewed it and perhaps Mr. Taylor could present that to the Board and provide a summary to detail what he found in his investigation as far a similar type improvements in the State.

Mr. Cucchiaro reminded Justin Taylor, Traffic Engineer that he remains under oath. Mr. Taylor said he did submit a letter dated September 29, 2022 that stated locations in the area that might be closer for people to visit. There were six different locations, three of them being unsignalized and similar to what is being proposed here. This is a traffic pattern that is not unfamiliar to New Jersey drivers, and not uncommon throughout the state. Mr. Castronovo said he didn't see the report. Mr. Taylor said two locations were in Toms River, one of them being Hooper Avenue and Continental Avenue, and Hooper Avenue and South Shore Drive. Mr. Castronovo said are those major mall areas? Ms. Beahm said no they are not. Mr. Taylor said Hooper Avenue is County Route 549 has 50 MPH speeds and about 37,000 daily vehicles. Ms. Beahm said Continental Avenue is a residential road, and it is has a road parallel to Hooper Avenue that you can utilize as an off-turn. It is a limited residential area that is not connected to commercial. There is no commercial area in that area at all. Mr. Taylor said it is residential and it has about 220 homes and this is the only place for the entire 220 home development to make a left out of it. Ms. Beahm said no it's not and not for nothing, I only live there, but ok - the bottom line is that she doesn't think it is even remotely close. Mr. Cucchiaro said let's talk about the other six, Mr. Taylor.

Mr. Taylor said we can take a look at Burnt Tavern Road, 45 MPH with 14,000 daily vehicles and provides a U-turn facility similar to this. What we need to keep in context, is not the type of development that it is exiting through this lane, but the volume that we are talking about - whether it is residential or commercial. Mr. Castronovo thanked Mr. Taylor for putting the research together. However there are people in this town that don't know how to handle a four-way stop sign, and now we're going to have people coming out of a development to make a left turn. His number concern is the safety of the residents.

Mr. Taylor said this was designed in order to provide a two stage maneuver, if necessary. For three minutes out of a 24 hour day, we anticipate that the back of the queue is going to exceed beyond the storage, and potentially this driveway. The rest of the day we are talking about the queues are forward of that. In most conditions, you are going to pull into this lane, accelerate and merge directly into the northbound flow because you'll have that gap to move

into. The concern we heard from the first meeting was during those times, if the only gap that you have is when Woodward Road is going, what happens if there is northbound traffic coming? The goal here was to provide that little bit of refuge so if that is the case, you had the ability to pull into this lane, stage until the northbound traffic clears, and then you could move into Woodward Road. It is not an unusual maneuver, you are making a left into a lane.

Mr. Fisher asked Mr. Taylor if he is aware of the all future development that is going on Route 33? Mr. Taylor said he is aware of all the development in the area and this proposal can still work even with a higher volume of traffic on the roadway. The raised median will help the volume. Mr. Fisher suggested a flashing stop sign, but Mr. Taylor asked do you mean, for the driveway? Mr. Castronovo said this will not stop people from exiting. Mr. Cucchiaro said if we are in agreement of a traffic control device, perhaps it would subject to Mr. Boccanfuso's review.

Chairwoman Kwaak asked about somebody coming out to make the left, are they going to understand that they have to go beyond the median to turn? She'd rather move it down further on the property so that it is away from the WaWa. Also, what's going to happen to that concrete median when a snowplow comes along? Mr. Taylor said he has seen delineators to identify either end, or you could put signage on the end. Mr. McNaboe asked how many left turns per hour would it be max? Mr. Taylor said during the busiest hour, it would be about 82. Mr. McNaboe said we asked about a cross easement at the beginning of this project. Why would this be detrimental to the use next door? Mr. Taylor said he does not see these as compatible uses from a traffic engineering prospective.

Mr. Wolfson said he'd like to remind the Board of a comment that was made by a different Board member - approvals for Sportika and other uses in the area missed an opportunity to address conditions at this area. Towards that end, another benefit of this, Mr. Taylor, would be to curtail illegal turns out of WaWa. Would this also improve the intersection functioning? Mr. Taylor said the intent was not only to mitigate the existing deficiencies out there because of the WaWa and the Sportika traffic and the volume on Woodward Road, but also accommodate the volume associated with our project. There are other positive benefits - we are realigning the northbound traffic flow from Woodward Road; you are providing a right turn lane eastbound to aid people that are going southbound Woodward Road, and we are doubling the stacking for the left turn lanes on eastbound Route 33.

Chairwoman Kwaak opened the floor to the public.

Mr. Cucchiaro swore in Debbie Sheir, West Silver Charm Road. She lives in a senior area and driving on Woodward Road is difficult. The traffic by WaWa is

crazy and she is concerned about future accidents. She is very concerned with safety issues.

Seeing no other members of the public, this section of the hearing was closed.

Mr. Wolfson thanked the Board and the professionals for their time. In summary, he stated that we have spent a lot of time talking about signage, we have heard what you have to say. We hope that the reductions in size addresses the concern about possible excessive signage and respectfully request that that issue is resolved. In terms of the left turn issue, the design in consultation with the Town's experts is meant to address that. It is safe and will address any potential conflicts. We respectfully request your approval, including the modified sign package, as well as the current proposal for the left turn out.

Mr. Cucchiaro stated to Mr. Wolfson, just to be clear - you are seeking Preliminary and Final Site Plan approval with ancillary variance relief and ancillary design waiver relief. Mr. Cucchiaro said if there was an approval tonight, that is what they are seeking.

Mr. Brown stated that since they are seeking variance relief, are we getting testimony from a professional planner? Mr. Wolfson and Ms. Beahm said the only variance relief is for signage, so the testimony was provided by the architect.

Mr. McNaboe wanted to go over the list of conditions for the applicant. Mr. Cucchiaro said if you wanted certain things as a condition, such as resolving the left turn issue, that should be part of your motion. Mr. McNaboe asked about the sidewalk that wasn't going through that area and would now be done and was going out to Woodward Road. He just wanted to make sure all those changes are going to be part of the resolution. Mr. Cucchiaro said the Motion would be subject to all the modifications and representations that have been made on the record and their agreement to comply with all of the recommendations contained in the reports of the Board's professionals.

An affirmative Motion was made for Preliminary and Final Site Plan for Stavola Asphalt Company by Mr. McNaboe, with ancillary variance and waiver relief with the no-left turn condition and this will be limited to a right-in, right-out, and Seconded by Mr. Fisher.

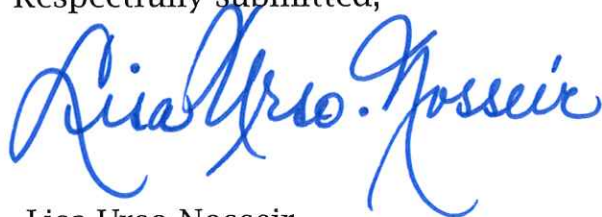
Yes: Brown, Fisher, Castronovo, D'Agostino, Kwaak, McNaboe, Jacobson,
Hogan, Kastell
No: None
Absent: Shorr
Abstain: None
Not Eligible: None

Chairwoman Kwaak opened the floor to the public for any non-agenda questions or comments. Seeing none, the public section was closed. The next meeting is October 27, 2022. Ms. Nosseir mentioned that the Volunteer Breakfast is on November 6, 2022.

Mr. McNaboe mentioned that he takes it very seriously when the neighbors come out and say there is traffic or speeding issues. He has asked the police to run surveys on Millhurst Road. He stated almost 2,600 cars go by with an average speed of 36.5 MPH in a 40 MPH zone. Keep in mind if you are out at your mailbox and there is a car going by at 36 MPH, you certainly feel it and he is not discounting what the people are feeling.

Chief Hogan made a Motion to end the meeting at 9:30 pm and it was agreed to by all.

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary