

Township of Manalapan
120 Route 522 & Taylors Mills Road
Manalapan, NJ 07726

Planning Board Minutes

February 9, 2023

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:31 p.m., followed by the salute to the flag.

Commiteeman Jack McNaboe administered the Oath of Office of Brian Shorr, Alternate Planning Board Member number one.

Ms. D'Agostino read the TV Disclosure Statement and took the Roll Call of the Board.

In attendance at the meeting: Barry Fisher, Daria D'Agostino, Todd Brown, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Steve Kastell, Richard Hogan, Brian Shorr, Nunzio Pollifrone

Absent from 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 Mr. Fisher, Seconded by Ms. D'Agostino to approve the Minutes of January 12, 2023 as written.

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

Mr. Cucchiaro spoke of the two bi-furcated resolutions for Stavola Asphalt Company consisting of the medical portion and the retail area. Mr. Cucchiaro had distributed draft resolutions some time ago. Mr. Cucchiaro worked together in good faith with the applicant's attorneys on language. He stated that there are a couple of areas where he is not comfortable making a decision one way or another as to what the Board is requiring. He distributed a red-lined version of the resolutions to the Board and the applicant, as well as a statement from the applicant who is relying on certain provisions of the resolution with regard to the phasing of roadway improvements and the medical office parking requirements. Tonight, this is not an opportunity to change anything that was done, it is only supposed to memorialize what was done. Mr. Pontier is here tonight and he'll go through the statement of reasons that accompanies the two red-lined versions and then the Board can make their own determination as to how they would like the resolutions to read.

Luke Pontier, Esq. of Day, Pitney was present on behalf of Stavola Asphalt Company. Mr. Pontier explained that they have been working with Mr. Cucchiaro on the specific language for the Resolutions. We had offered some revisions, there are three main areas to discuss. Mr. Pontier spoke on the medical portion first. Mr. Pontier spoke about the phasing of the road improvements along Woodward Road. The medical office had certain roadway improvements that would be done directly in front of the medical office lot. Those improvements are different from the intersection improvements for Route 33 and Woodward Road. It was discussed that if only the medical office is constructed, the roadway improvements that would be done are those directly in front of the medical office lot. If the retail was done first, then all of the roadway improvements, including at the intersection, would be done. The medical office portion did not trigger the need for the intersection improvements. When the medical office project moves forward at that time, only those improvements on Woodward Road, in front of the medical office lot would be installed.

Mr. Pontier addressed the tenant parking requirements. There is an ordinance where if there are one or two tenants in the medical office building, there is a larger parking requirement than if there are three or more tenants. Mr. Cucchiaro stated that Mr. McNaboe said that the resolution will show that it has to have three tenants. If they go to a single, they will have to come back to the Board to review the parking requirements. Mr. McNaboe is concerned that if only one tenant takes 97% of the building then the remaining 3% sits empty. If only one doctor takes the whole space, he's fine with that too, but they will have to come back before the Board.

Mr. Pontier said the Board requested that sidewalk be installed to the north of the driveway of the medical office lot and also up Woodward Road to the north of that lot. Sidewalk improvements are not part of the off-track improvements. Mr.

Cucchiaro asked which condition he was speaking of and Mr. Pontier said he was referring to condition 12, for the property to the north.

Mr. Cucchiaro said all three of the sections are part of one application. He said he leaves it to the Board as to what they believe the accuracy is. Mr. McNaboe said we refer to the whole tract as the Stavola project. The applicant asked that the application be bifurcated and the Board agreed to that. Spring Point came in and did what they had to do; then we heard the housing part, etc. Mr. McNaboe is afraid they are creating a nuisance on that corner – the nuisance being the retail part of it. He is extremely concerned with the safety of the children and he disagrees that there are sidewalks to nowhere. The sidewalks have to start somewhere. County Route 3 is being widened and they will be getting access at 17 culverts.

Mr. Pontier said since the last hearing, that lot was conveyed to the Township as part of the Green Acres Land Swap. There are many environmental constraints and there is also a guide rail, etc. Mr. Cucchiaro said the purpose of this evening is to figure out what did they decide. The applicant is free to try and change it, but then they have to formally come back to the Board for an amendment. Ms. Beahm said she understands there are challenges, but you said yes to the improvements. Mr. Pontier said yes, but it is subject to the DEP process. Ms. Beahm said she doesn't understand why the language is problematic to you – you agreed to it. The Board is saying put it in, or prove to us and provide us documentation that you can't. Mr. Pontier said he understood and would state that the lot is conveyed to the Township, it is also an off-track improvement. Ms. Beahm stated again that Stavola agreed to that as a condition of your approval. Mr. Pontier spoke about the Board's thoughts on the roadway improvements.

Mr. Boccanfuso said his recollection for the roadway improvements and what the applicant agreed to do is, that if the medical office portion of the development were to proceed first, they would construct the improvements along Woodward Road, necessary to provide access to the site as well as a safe transition. He doesn't know if would be correct to say that it is only in front of the medical office site, because there needs to be transition. At the time the condition was agreed to, we didn't have a plan which showed how that was going to work. His recollection was that would be worked out by our office and the applicant's engineer office to have an appropriate transition. His recollection is not that the applicant was fully responsible for the all of the intersections improvements at Route 33 and Woodward Road, however he believes there was a representation that they would do some signal re-timing with the increase in trips associated with the medical office. Mr. McNaboe agreed and stated we also deferred on the improvements in front of Spring Point on that approval while they got the whole project in. We didn't want you putting in brand new curbs, and then having to rip them out. We knew the retail was really the driver behind this. Mr. Boccanfuso agreed and said there may be some road tapering – you can't just widen a road and then have it abruptly end. There has to be some transition.

Mr. McNaboe wanted to touch upon the part of the road that was deferred during the Spring Point hearing – at what point do we get this done, the curbing and sidewalks? Mr. Pontier asked Mr. Boccanfuso if he remembers what was shown on the overall plan? Mr. Boccanfuso said he would have to review his notes, but he does remember that the sidewalk and curbing are bonded and he believes that bond is still in place and the bond holder is still responsible for it. Mr. Boccanfuso said he believes the plan did depict curbing and sidewalk, but the plans were submitted for the developmental as a whole, there weren't bifurcated plans. Mr. Pontier said the applicant has agreed to construct the improvements that it has agreed to do in the resolution and as part of the hearing process. Mr. Cucchiario said it is still going to be subject to the review and the approval of the Board engineer.

Mr. Cucchiario said he has a better understanding of what the Board wants now. It's not going to be as easy as pick either the red-lined version, or the original version. He needs to work on it again and he wants to provide it to Mr. Pontier to review again as well. He therefore requested that the resolutions be carried to the next meeting so he can work on that and confer with Mr. Boccanfuso and Ms. Beahm again. The final draft will be ready for approval at the next meeting. Chairwoman Kwaak requested that the original resolution be referred to in the new resolutions for clarification. She would like a history of the project as a whole.

Resolutions: 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; and

The resolution for the medical portion of PPM2104 – Stavola Asphalt Company, will be carried to the February 23, 2023 Planning Board meeting.

Next, the Board discussed the retail portion of the Stavola Asphalt Company resolution. Mr. Pontier said the main issue here has already been discussed with the medical portion. It deals with the roadway improvements. The sequencing would be the same as previously discussed. Condition 13 on page 26 states that any modification to the signage plan shall require amended approval, but our recollection was that any modification of the signage that triggers variance relief would require additional Board approval. Ms. Beahm said the bottom line is that you needed relief for the sign plan as approved. Modification means you are probably not going to be conforming with our sign ordinance. Mr. Cucchiario referred to the sign at the corner of Woodward Road and Route 33 would be removed. Mr. Pontier said he understood. Mr. Cucchiario said he understands and he is appreciative of the clarifications from Mr. McNaboe statements and he will make sure the resolutions read that way. These

resolutions will be ready for the last and final review at the next meeting which is February 23, 2023.

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

The resolution for the retail portion of PPM2104 - Stavola Asphalt Company, will be carried to the February 23, 2023 Planning Board meeting.

Application: PPM2255 ~ LPG Capital, LLC
Kinney Road and Sweetmans Lane
Block 79 / Lots 21.01 and 21.02
Preliminary and Final Major Site Plan

Rick Brodsky, Esq. of Ansell, Grimm & Aaron represented the applicant, LPG Capital, LLC this evening. Mr. Brodsky said the property is located at Kinney Road and Sweetmans Lane, in the Limited Business Millhurst zone district and it is a permitted use. We are seeking Preliminary and Final Major Site Plan approval to construct an approximately 64,680 sq ft single story flex space building which is permitted in this zone. Our engineer and architect will be testifying this evening. The application seeks no variance relief. The proposed building is planned to be built on spec so that there are no tenants in place at this point, but of course it is understood that the tenants that would come would have to comply strictly with the flex space ordinance here in Town. There are a few waivers that are minor in nature that the Board will hear about as we go through the testimony. The site is almost 10 acres and in addition to the proposal of six units within the building, there will be 56 parking spaces, loading spaces, landscaping lighting, etc.

Mr. Cucchiaro swore in Thomas Muller, Senior Civil Engineer at Dynamic Engineering as well as a licensed Planner. The Board accepted Mr. Muller's credentials. Mr. Muller marked the following exhibits:

Exhibit A1: Aerial Map by Dynamic Engineering dated February 9, 2023;

Exhibit A2: Overall Site Plan color rendering prepared by Dynamic Engineering dated February 9, 2023; and

Exhibit A3: Colorized Site Plan rendering prepared by Dynamic Engineering dated February 9, 2023.

The exhibits were also displayed on the screens throughout the courtroom.

Mr. Muller is personally responsible for the design of the site plan layout, including the grading, the stormwater, lighting, landscaping, etc. This property is Block 79 Lots 21.01 and 21.02 located at the northeast corner of the intersection of Sweetmans Lane, which is County Route 527, and Kinney Road. The property is currently underdeveloped, it was a farm up until the 1980's and since then it has now become an overgrown and a wooded lot. It's about 9.93 acres and there is a small pocket of wetlands on the southwestern portion of the site. We are not touching the wetlands as part of our development. To the north of us is the Gateway Community Church and the Manalapan Township Fire Company. There are a number of commercial uses on Route 33. To the east is the Rural Residential zone with a few residential neighbors to the east as well the Carole Court roadway beyond that. To the south is Millhurst Mills, and to the west is Sweetmans Lane in the SED-20 zone.

Mr. Muller spoke about Exhibit A2, the overall site rendering. He looked at the ordinance for this zone and identified the setbacks and buffers and our building is completely compliant and no variances are associated. We looked at the environmental constraints on the site. There is a small pocket of wetlands verified by the New Jersey Department of Environmental Protection under a Letter of Interpretation that is good for five years. We are not touching the buffer to the wetlands as well. We are proposing a flex space building with about 8,430 sq ft of office and 56,242 sq ft of flex space. We are proposing 56 total parking spaces and we are proposing 18 total loading spaces and six drive-in ramps at the rear of the building. The driveway on Kinney Road is one full movement driveway which is dedicated for passenger vehicles only, no trucks other than emergency vehicles will be permitted to use this entrance or exit. It will lead to the 56 parking spaces and along it there is a sidewalk and entrances into the building for employees of the facility. On the Sweetmans Lane side, there is a full movement driveway which is designed to accommodate larger vehicles, trucks, garbage trucks, etc., to allow vehicles to come in off of Sweetmans Lane and enter into the loading area in the rear of the site. We have designed it like that to prevent trucks from entering Kinney Road. We are focusing all the traffic from Sweetmans Lane into the northern portion of the site. We are also proposing two emergency access grass paver aisles on the west and eastern portions of the building so emergency access has full 360 degree circulation around the site. Mr. Muller has met with the Fire Bureau and they did have some comments on that which we have no problem addressing.

Mr. Muller said we are proposing flex space and the flex space ordinance definition is being met. The ordinance defines it as a building that is occupied by two or more uses permitted in a zone and two or more of the following uses: contractor offices and shops, establishments for the production, processing,

assembly, manufacturing, compounding, preparation, cleaning, servicing, testing or repair materials, goods or products provided there are no hazardous substances. Flex space does not include warehousing or distribution center uses. We reviewed this in great detail with the applicant and we are fully aware of this definition. Applications for building permits and CCOs will be submitted to the Building Department and at that time the users and tenants would likely be reviewed at that time. Any user that comes to our building will comply with the new flex space ordinance definition.

Ms. Beahm asked that in addition to submitting that documentation to the Building Department that it also submitting to the Zoning Department to confirm that the uses fall within the definition and comply. Mr. Muller said they will follow the Township's procedures in place.

Mr. Muller reviewed the bulk requirements. The ordinance requires three acres for sites in the LBM zone and we're at about 9.9 acres. Lot frontage, lot depth, front, rear and side setbacks are also compliance with the ordinance. The maximum height is 35', which is what we are proposing. The architect will touch upon that shortly. All bulk requirements for this building are compliant. In terms of parking, the ordinance requires a 75' buffer for parking to any property line. The parking calculation is also compliant, the ordinance requires one parking space per 5,000 sq ft for flex space, and 4.5 spaces per 1,000 sq ft for the office component. It would require 50 spaces, and we are proposing 56 parking spaces. The spaces are 9' x 18' long which complies with the ordinance. Since the building is not open for public use, the 10' x 20' parking stalls is not required. The drive aisles are 24' wide which complies with the ordinance and we have three ADA parking stalls, and ADA compliant sidewalks along the frontage of the building. We have two E.V. charging parking spaces. There is signage along the site and striping. Mr. Cucchiaro said there are two design waivers noted. Mr. Muller said the ordinance requires that at least 10% of the interior parking area be landscaped with plant material and reasonably distributed throughout the lot. Mr. Muller believes the ordinance can be read that the 10% landscaping can be distributed throughout the site and he believes he meets the intent of the ordinance. Mr. Muller said another requirement is that 35% of the parking area must be shaded. We are providing a substantial amount of shade trees in this area. We have maximized the amount of shade trees and they will be planted close together. Our closest loading space to Sweetmans Lane is at 75' or more, but every other single loading dock from there to the east has a much greater setback than 75'. We have 18 total loading spaces, six total drive-in ramps. It can accommodate the largest truck permitted in New Jersey, which would be a 53' trailer. Flex space could have the opportunity to have those larger trucks and the traffic engineer will speak about that. There is a cul-de-sac which will give the trucks the opportunity to do a full 180 degree turn without doing any K-turns. The trucks will not come out to Kinney Road. We have a full movement access driveway on Kinney Road which is dedicated for passenger vehicles only. We have a full movement driveway on the western portion of the

site that connects to Sweetmans Lane. We are providing a left turn lane into the site from Sweetmans Lane. We are also providing an extended car way width on Kinney Road. The ordinance is to have a 36' wide cartway and will be proposing that.

Mr. Muller continued and mentioned that there are six dedicated refuse enclosures that are 10' x 20' in size. We are contemplating six tenants, therefore we have six refuse enclosures. The refuse enclosures will be masonry as well as providing ADA access to those refuse areas. In terms of grading, drainage and stormwater, this design meets the State and local code. There is one minor design waiver and that is simply the setbacks to the basins to the front property line. The ordinance requires that we have a 25' setback requirement to those front property lines. Portions of those basins are within the 25', however these are above ground basins, but they are gradually sloped into those all the runoff from the site drains to the basins. Mr. Muller says they will comply with all the comments in the Engineer's review letter.

Mr. Muller said the utilities - electric, gas and water will all come from Sweetmans Lane and Kinney Road. We do not have sewer in this area, so we are proposing septic. We have done our soil testing and that design has been submitted to the local Board of Health and is currently pending review. Landscaping has been designed by a licensed landscape architect from Dynamic Engineering. We have a total of 599 total plantings within this site that consist of 172 shade trees, 28 ornamental trees, 77 evergreen trees, 113 evergreen shrubs and 100 deciduous shrubs as well as ornamental grasses throughout the site. In terms of the frontage landscaping, we have 20' spaced shade trees along the entirety of the frontages. Lighting will all be LED efficient lighting, they will all be 16' - 20' in height, some will be building mounted lights. There is zero light spillage proposed to the northern and eastern property lines and there is essentially no spillage whatsoever to the Sweetmans or Kinney Road frontages with the exception some minor lighting that we need to provide at the driveways. Signage will be completely compliant. The ordinance allows a monument sign of 30 sq ft, 4' in height and we comply with that and the setback requirements are also complied with. Our sign will be at our driveway at Kinney Road simply to identify the address for the property. The sign will have a simple uplighting, no internal lighting. We also have six wall signs, one for each of the six tenants. The ordinance allows a certain amount of signage on the building based on the percentage of the façade area, which would allow a total of 490 sq ft in signage, however we are only proposing 270 sq ft. The signs will only be 45' in size and they also will not be internally illuminated. Mr. Brodsky said in Ms. Beahm's report, if it ends up being less than six tenants, then the wall signs would be consistent with that. Mr. Muller said that is correct.

Mr. Muller said they are not touching the wetlands on the site. We did a Phase One Environmental Site Investigation. We also did a historic farming soils testing for

pesticides – arsenic and lead – per the Ordinance requirements and they all came back clean. We are not required to do any further analysis on the site. There is no remediation required. Mr. Muller said the other approvals are currently pending all applications with outside agencies. We met with your internal committees and we agree to all their comments. No further NJ DEP Permitting is required since we are not touching any unregulated areas.

Mr. Muller wanted to summarize the project. This is a completely permitted project. We are compliant with the setbacks, coverage requirements and it is a highly landscaped site with very limited impact to the surrounding areas. This is a low intensity use, not a busy office complex. He is prepared to answer questions from the Board.

Mr. Boccanfuso said thank you to Mr. Muller for a very thorough presentation. He referred to an additional technical design waiver regarding the foundation landscaping requirements. Mr. Muller said the ordinance requires that 3' wide landscaping foundation strip be provided around the entirety of the building. We did provide that along the frontage of the building, so we do have a 3' strip there with evergreens shrubs.

Mr. Boccanfuso asked if any tenants have been identified at this point? Mr. Muller said no, not at this time. Mr. Boccanfuso asked if the site would be in operation 24 hours a day, and if not, what are the hours of operation? Mr. Muller said we would meet the ordinance and the exact hours haven't been identified yet. Mr. Boccanfuso said our ordinance as it pertains to hours of operation does leave some room for interpretation. It speaks to facilities that invite or permit public visitation or occupancy shall not be permitted to operate between certain hours, basically overnight hours. Mr. Cucchiario said he doesn't believe he is able to make that determination until there are actual tenants. Ms. Beahm said Mr. Muller said in his testimony that no public is permitted on site. Mr. Muller said that was my testimony, correct. Ms. Beahm said so that would not be allowed if the Board were to act in the affirmative.

Mr. Boccanfuso stated that Mr. Muller agreed to the widening on Kinney Road. The ordinance also calls for curbing along the frontage, do you agree to provide curbing on Kinney Road as well? Mr. Muller said yes they would be able to do that. Mr. Cucchiario said the ordinance requires it and they're not asking for relief from it, so they have to do it. Mr. Muller said we will provide the curbing. Mr. Boccanfuso said similarly, the ordinance requires sidewalk along the frontage of any site plan application. It does allow a provision for a payment in lieu if the Board does not require the sidewalk and the Board grants a waiver. Mr. Boccanfuso said it doesn't appear that there is any sidewalk on the same side of the site heading to the east including in front of the residential properties, but there is some sidewalk on the opposite side of Kinney Road. Mr. Muller said we do not propose any sidewalk on Sweetmans Lane or Kinney Road at this time. We

don't think it is appropriate for this type of use, considering the sidewalks that are in the area it wouldn't really lead to anywhere, so we do not provide any sidewalks at this time, however if the Board prefers to have sidewalks, the applicant is happy to provide the sidewalks.

Mr. Boccanfuso said the stormwater management details were discussed in a Technical Review Meeting and he has no issue with the applicant's agreement to comply with our office relative to the technical comments. The design generally complies with the current stormwater management regulations. Mr. Boccanfuso spoke about the topography and grading of the site and asked Mr. Muller to give some details. Mr. Muller said under the existing conditions, the site generally drains from the northeast side of the site to the southwest corner of the site. It drains towards that wetland area. The properties on the east and the northern site of our site are higher than the proposed development. As a result of the site design, we are maintaining those existing drainage patterns towards the southwest corner of the site. As we start to design the site, we do have a retaining wall that follows the northern property line as well as the eastern property line. That retaining wall is about 9' - 10' in height and ranges up to 17' in height. Our site is lower than those northern and eastern properties, we will be lower. We are sitting down lower. You won't be looking up at a 35' high building, those adjacent properties are looking at an effectively a 15' - 20' high building in certain areas. It is sunken down into the ground compared to the surrounding properties. Mr. Boccanfuso said in the cul-de-sac area, in that location is that where the retaining wall is at its maximum height? Mr. Muller said that is correct, it's 17' roughly in that area. Mr. Boccanfuso said that rounded pavement area is roughly 17' below the light green and wooded area to the northeast. For the wooded area extending to the northeast towards the residential properties to the east, does the topography continue to slope up in those wooded areas? Mr. Muller said yes it does, and that darker green brown area - that is the existing wooded area that will remain, so we are not touching any of that, but it does continue to slope up in that area. Mr. Boccanfuso asked if he knew the existing elevations of the residential properties to the east relative to the finished floor elevation or the parking area? Mr. Muller said he could give a rough estimate. Our closest neighbor to the east's driveway is at elevation 153 or so; our finished floor is at 139. So we're 14' below that property on the right side of the exhibit. Mr. Muller said additionally, there is a substantial natural buffer there.

Mr. Boccanfuso asked Mr. Muller about the comments they received from the Environmental Commission. Mr. Muller met with the Environmental Commission on January 11, 2023. They asked that the building be constructed to be solar ready, and the architect will speak about that. They had a number of comments on the types of landscaping and that our landscape engineer works with the Township arborist. Signs stating 'no idling' were requested and we have no problem providing those signs. There were some concerns with noise pollution, but this is a use that will have to meet the ordinance noise requirements. They

asked about light pollution and we spoke earlier about not having any spillage onto the adjacent properties.

Ms. Beahm asked Mr. Muller if they anticipate needing any outdoor storage of vehicles on the site? Mr. Muller there is no outdoor storage. Ms. Beahm said regarding the sidewalk, the only way to connect sidewalk is to have it start somewhere.

Chief Hogan spoke about the November 22, 2022 Fire Bureau Report. There were 10 items listed on the report. Are you going to comply with each of those items? Mr. Muller said yes they are. Chief Hogan asked about the fire access road and what material you intend to use. Mr. Muller said it is a grass paver, it's a plastic honeycomb technology that requires a densely grading aggregate base compacted. On top of that, you have the plastic honeycomb system and within that, there is a stone and on top of that there is a planted grass cover. You will see grass at all times, but it's actually stabilized to allow for fire and emergency access use. It is specifically made for this type of use. It is designed to support the entirety of the weight of an emergency vehicle and a fire truck. Mr. Cucchiaro asked how do the emergency responders locate it? Mr. Muller said there will be signage along that aisle that shows it is the fire lane. The Fire Bureau asked that we pave the eastern side so that would likely become pavement. Chief Hogan said he would like to see that paved. Chief Hogan asked about the retaining wall in the back that faces the residences - can you please add some additional landscaping? Mr. Muller said the at the completion of construction there will be ground cover plantings proposed on the top of the retaining wall, it will be tall ornamental grasses and it will fill it in nicely.

Mr. McNaboe said you did say sidewalks will be available on both curbs, even the county road? Mr. Muller said yes that is correct. Mr. McNaboe wanted further clarification on the 24 hour of operations. Mr. Brodsky said the ordinance refers to permitting customers or public use. If we don't have public use permitted, that is our understanding. Mr. Cucchiaro asked if they agree to a condition that this restriction has to be explicitly placed in all lease agreements? Mr. Brodsky said yes that is fine.

Mr. McNaboe asked about a 35' high building being allow in the zone. Obviously that is the maximum allowed in the zone, not the minimum. He wonders why the building isn't shorter. He is uncertain why a flex space building must be 35' high. His question is, why don't we cut this building in half? Take the top half off of it and make it useable. Our flex space are used all through Town. This does not resemble that. Why build a building to 35' that has to be heated, maintained, paid for, etc. unless you are going vertical with a racking system. He doesn't believe it fits in the area with surrounding residential properties.

Mr. McNaboe said he'd like to speak to the traffic engineer, and why was the expansion on your side not brought all the way to Kinney Road so that we could have a dedicated left going into Kinney Road where that road starts taking a curve, then goes over a dam and a bridge, and then something that's here since 1700 - why didn't you just extend that? You already have to build the curb and sidewalk - just move them in. Mr. Muller said one of the comments from the Fire Bureau was to soften that curve and we have no problem softening that right turn curve there. We will be opening up that radius. Mr. McNaboe said if this building is truly flex space, let's change it from looking like a warehouse then. He is extremely concerned with the traffic produced by tractor trailers. Mr. Muller said the traffic engineer will discuss the truck circulation plans.

Chairwoman Kwaak asked if the lighting was going to be on timers? Mr. Muller said it would only be on during operation. If this does wind up being a 24 hour operation, then yes, it would be on 24/7. If we have tenants that do not need it on 24/7 then they would be on timers. Chairwoman Kwaak is in favor of having sidewalks installed. She asked if a generator will be available. Mr. Muller said the architect can speak on this. Chairwoman Kwaak asked if the emergency lane would be blocked off for emergency vehicles only? Mr. Muller said it will be blocked with signage. She is concerned a driver will use it to cut through to Sweetmans Lane. Mr. Muller said we can do a break-away chain/fence to prevent this. Chief Hogan said we can narrow down the choices and decide.

Mr. Jacobson asked about late night truck deliveries. He is not in favor of a 24/7 operation with trucks in and out all night.

Ms. D'Agostino asked about the HVAC systems and Mr. Muller said the architect will speak about this in detail. She agrees about the 35' high building being too high.

Mr. Brown also agrees with the height of the building being cut down. He noted there is one shade tree in front of the building. Can you add additional shade trees? Mr. Muller said we can probably add another landscape island. Mr. Muller will meet with Shari Spero. Mr. Brown asked how many deliveries do you anticipate? Mr. Muller said the traffic engineer will go into detail about that.

Mr. Fisher asked if there is going to be a mezzanine? Mr. Muller said no, it's a single story, no mezzanine. Mr. Fisher asked about having natural plantings around the basin. Mr. Muller said we can provide natural plantings on the grass sloped sides, but this is an infiltration basin with a sand bottom. Mr. Fisher asked about the recycling areas. Mr. Muller said the six 10' x 20' refuse enclosures are more than adequate to provide recycling facilities. Mr. Fisher asked for deer resistant trees and plants. Mr. Fisher agreed with adding the sidewalks.

Mr. Kastell agreed with the height restriction. He didn't agree with having a center divider at the entrance. Mr. Kastell asked if there is extra parking for tractors. Mr. Muller said there is no trailer storage on this site outside of the loading docks.

Mr. Shorr agreed with the height issue. He would like the applicant to look into installing generators and would like sidewalks. Are trucks going to be allowed to stay overnight in the loading docks? Mr. Muller said that he cannot answer that, but if the ordinance allows it, they would be staying overnight. Ms. Beahm said she asked you specifically whether there was going to be any outdoor storage of vehicles and you said no. However, now you are saying you don't know - which is it? Mr. Muller said the temporary unloading of trucks doesn't mean storage of vehicles in his opinion. Outdoor vehicle storage would be something that is an independent use not associated with the operation of the building. Ms. Beahm said how you manage that, and how you have trucks and trailers docked in those loading docks overnight screams warehouse and not flex space. Warehouse is not allowed here. She doesn't want to see any trucks outside and overnight ever.

Mr. Pollifrone spoke about the Phase One Investigation being complete and there were no environmental concerns. Are there any below grade storage tanks on the property? Mr. Muller said based on their research, they did not encounter any underground storage tanks. Mr. Pollifrone asked about the noise transmission from trucks being present 24/7 onto adjacent properties. Mr. Muller said we can look into this further as we analyze the 24/7 operation issue. Mr. Cucchiaro said we have a noise ordinance that you are going to have to comply with. Ms. Beahm added that when you look at the noise ordinance and you want to explain it and you're talking in terms of decibels, it would be great if you could relate those decibels to an everyday use. For example 50 decibels doesn't really mean much unless you understand how loud that actually is. If you are looking into that and its 50 decibels at a sensitive receptor in the overnight hours which is the State requirement, she's not sure how that relates here, but what that means is that a vacuum cleaner - is that like what level? Just to give people an understanding of what exactly you're dealing with. Because when people think '50 decibels' they are thinking it is super high, or super low and they don't really understand what it equates to and she believes it would be helpful not only for the Board, but for the members of the public that are interested in how this is going to effect them. Mr. Cucchiaro said they are also touching upon that there is existing noise on the roadways and things like that.

Mr. Pollifrone asked about light transmission to adjacent properties and said he knows Mr. Muller said there are going to be trees around the border and some of that certainly would be a buffer to the light, but maybe that is something that you could just look at and address for the adjacent properties. Mr. Muller said his testimony stated that there is no spillover. We're not even taking credit for those trees, we are not taking credit for the 10' grade change that we're lower than. There is a simple analysis of those light locations, and the light patterns from

those lights and it shows that there is zero spillover to those adjacent properties. When you add in the fence, add in the 10' retaining wall and the landscaping it just gives you that much more level of safety that we're not going to have spillover. The lights are also downward facing, they are not flood lights and you cannot see the light filament itself, it is a flush bottom light, you will not see a bulb hanging down. Mr. Boccanfuso added that they reviewed the lighting plan as well and he can confirm that the lighting plan does show that there is no illumination spillover at the property lines.

Mr. Brown had another comment. He said the applicant agreed to prohibition of outdoor storage of vehicles, but a flex space such as this being used by a contractor/electrician, etc., they typically store their company vehicles in the parking lot when they are closed. Mr. Muller said there is no plan to store company vehicles outside this building. Ms. Beahm said if you were to get a tenant that needed some of these spaces for a company vehicle, you'd have to come back to the Board.

The Board took a break at 9:27 and returned at 9:39.

Mr. Cucchiaro swore in David Collins, Licensed Architect in New Jersey since 2007. Mr. Collins had copies and digital versions of the following exhibits:

Exhibit A4: a colored rendering, Sheet A1.00; and

Exhibit A5: floor plans and exterior elevations A101

Mr. Collins referred to the floor plan and the top of the floor plan are the loading dock areas, and the bottom part of the plan are the office entrances. This building can be divided up to six tenant spaces. The office spaces are approximately 1,400 sq ft and each of the six tenant spaces are roughly 10,000 sq ft. From the parking area, the tenants would enter into their space through the office and then from their office area into the flex space. We tried to give each of these tenants a pedestrian exit and access, loading dock level and drive-in to bring vans or vehicles into the building. The first elevation is facing towards the parking lot and there are four groupings of office. In the back of the building we tried to create a certain rhythm where we consolidated the loading dock doors and marked the drive-in doors with a change in color and texture. That grouping repeats itself in three areas for a total of six tenants.

Mr. Collins referred to Exhibit A4 and explained this is a view essentially from the corner of the site that is closest to the intersection. We adjusted the color and texture to give the building character. The entrances are clearly marked and we created the building to bring light into the flex space by setting the windows up higher. The building is going to be concrete and perfect for these types of uses since it holds up so well and fairly easy to maintain. The building will be fully

sprinkled and fully suppressed. Mr. Collins continued and said all the roof water in this building needs to slope down towards the parking lot. There is a single slope roof for drainage. These drawings are conceptual, we haven't had our structural engineer design these yet. Due to the slope, we'll only have close to 29' in the front of this building. When building on spec, you want to try to maximize that flexibility. Sometimes we have to modify some of the buildings for a tenant, we had a 65' printing press that had to go up in the building. The point is, we want to try to make this as flexible as we can so that if someone needs oversized equipment, we don't want to run into an issue where we can't have them in the building because we don't have the clear height. Mr. Collins said the definition of building height is from the highest point of the roof, to the average grade around the building. We calculated that as taking the grades at the corners of the building and averaging those grades. We started that point which we will call our grade plane. Through some discussions with the professionals, that may not be exactly right. In the back side, the loading dock grade needs to be 4' lower than the finished floor. So how you calculate the word average, can make a difference. If were to take a percentage of the perimeter and drop it 4', it would effect our grade plane by pushing it down a little bit. An estimate tonight would be maybe 18", he needs to do the exact calculation to include the truck well or not.

Mr. Collins wanted to speak about the architecture in general. He states he has met the design guidelines; we've coordinated our colors along with the signage. Our entrances are clearly marked and the finishes are suitable for the years and will be durable. The building is compact, the volume of that building couldn't be compacted more. We tried to consolidate our arrangement into one well designed building. This is not a building that the public would generally walk up to, but we do have circulation that connects all of these bases.

Mr. Collins spoke about the number of signs, which will equal the number of tenants. Mr. Collins said the HVAC will be a split system, with a furnace inside the building and a condensing unit outside. We set these screens up so that we can screen those condensing units over those offices and they would be set directly on the roof just above those offices.

Ms. Beahm asked for an explanation on the façade that has the loading doors what those dark gray smaller boxes are between the main doors? Mr. Collins said it is the four dumpster enclosures. Ms. Beahm said the testimony earlier said there were six. Mr. Collins said there are two small enclosures on the ends. Ms. Beahm said for the testimony that was heard, Mr. Collins did touch upon the two waivers that were identified in her review letter and they are requesting relief. Ms. Beahm said although he did a good job designing the building, it does look like a warehouse. Usually flex is lower, and smaller, but she will leave it to Board to make their own determination.

Mr. Boccanfuso stated that as Mr. Collins indicated, our ordinance does measure the height from the average adjacent grade, so it is his position and interpretation of the height that the loading dock area does need to be included. If you are close to that 35', we would like to see some detailed calculations as to how you got to that number confirming that you did in fact include the entire perimeter of the building and where you measured it to.

Mr. Cucchiaro wanted to follow up on the comment Ms. Beahm made with regard to the architecture and the fact that the applicant is asking for a waiver from the requirement that the architectural forms and materials be consistent with the inventory of historic structures. If you did comply with this section, would that go towards addressing that comment, in that it would be something that perhaps more complimentary to the surrounding community? And, is it possible? Mr. Collins said he would try, but every attempt he has seen to create a building for this type of use that tried to look like historic building, in his opinion, has architecturally failed. However, he will try.

Chief Hogan asked if the building was going to be completely sprinkled? Mr. Collins said yes it is. Mr. McNaboe asked how are going to heat the warehouse? Mr. Collins said gas heaters inside. Mr. McNaboe said the roof deck is clean with the exception of those six mini splits and normal vents. Mr. McNaboe asked about the drainage sloping to the front or passenger parking area. You won't slope it to the back is the topography? Mr. Collins said correct. Mr. McNaboe said internal drains are a possibility. Mr. Collins said we try our best to avoid internal drains for the obvious reason if something gets clogged. Once water is outside the building, we try to leave it outside the building, but yes, it is possible. Mr. McNaboe is concerned about trying to fit a 35' warehouse into a residential zone. In his opinion, if you took this building and showed it someone and asked what is this, they would say warehouse. It has 18 doors that you could back the trailer up to. He's worried how the tenants are going to use this building, he wants it to be a viable building. The height concerns his and he believes it needs some adjustments.

Chairwoman Kwaak said she is counting eight doors on the exhibit. Mr. Collins said the dark section contains two doors, one for each of the two tenants. Adjacent to that are windows. She asked about the signage and if it was going to be above each door. Mr. Collins said we have two types of signage, we have the building mounted signs which are dedicated for the tenants. Above each of these tenants spaces, there is a tenant sign to mark by their entrance. There are up to six of those, and they are LED lighted signs. Mr. Collins will provide sign details. This is an externally lit tenant sign and we call that the fixture. It basically has a very slim bar light that can shine back down onto the light. Chairwoman Kwaak asked about the sign on Sweetmans Lane. Mr. Collins said there is a monument sign that really just marks the address that will be illuminated and matches the architecture of the building.

Mr. Jacobson agreed with Mr. McNaboe. He said the building looks nice, but it does look like a warehouse.

Ms. D'Agostino asked about the ceiling height in the interior. Mr. Collins said it averages, and once we get the loading dock into the calculations, it is going to be around 27 ½' in the front and it will slope up. Ms. D'Agostino asked if there were any columns in the inside of each unit. Mr. Collins said yes, there will be columns on the inside.

Mr. Brown asked about the façade signs. If no members of the public are expected to come to the building, what is the purpose of having the signs? Mr. Collins said a lot of businesses have other business-to-business meetings and they would want to mark their business entrance. Mr. Brown said why can't they mark their doors such as Suite A, Suite B, etc.? Mr. Collins said this is what was allowed for this use. Mr. Brown said you mentioned that the height is going to be 29' in the front, but your architectural show 32 ½'. Mr. Collins said we did not include the parapet. We did not count that towards our height. Mr. Brown said if you go to your west elevation on the far right hand side, it says 32 1/2' below the parapet, but on top of the parapet is 36 ½'. Mr. Collins said you have to take the thickness of the roof insulation, the deck, etc. you have to take that whole roof assembly and you have to subtract from that number to get to the clear height that is underneath that. Ms. Beahm said it is 29' inside and 32' is outside. Mr. Brown asked why you wouldn't have any signs on Sweetmans Lane for the trucks? Mr. Collins said we had one monument sign and we felt it would be better that more of the traffic would be coming to that parking lot and mark that. Mr. Collins said he could certainly look into that.

Mr. Fisher asked if there would be any other structure on the roof? Mr. Collins said there will be vents and there will be a condensing unit for each office and they will be screened. Mr. Collins said we are designing the roof to be solar ready. Mr. Fisher requested that there will not be sub-tenants for the building. Mr. Brodsky said there will only be one tenant per space. Mr. Fisher asked if the sign on the road would have the tenants on it and Mr. Collins said no. Chairwoman Kwaak asked if there is any signage on Kinney Road. Mr. Collins said our monument sign is on Kinney Road and the suggestion was that we put a small one on Sweetmans Lane for the truckers.

Mr. Kastell asked about the small chillers on the top of the buildings. Mr. Collins said the screens are of a design that can hide a flexible amount of roof top equipment. Mr. Kastell asked about the noise coming from the chillers. Mr. Cucchiaro said they stated they were going to provide some additional testimony with regard to noise and they can address it at that time.

Mr. Shorr said there are six tenants at 10,000 sq ft. Is it possible you are going to have the units broken up differently, such as two businesses splitting 30,000 sq ft? Mr. Collins said we are proposing six units and the ordinance requires at minimum two tenants. Mr. Cucchiaro said there have to be at least two different businesses.

Mr. Pollifrone asked about the HVAC and if a tenant required conditioned space outside of the office in their 1/6 of the building, and they required that during the cooling season, are you designing the roof so that it could support a HVAC unit capable of conditioning those spaces? Mr. Collins said we are not planning for that now, and if that came, there would have to be structural modifications inside in order to support a larger unit. Mr. Pollifrone said at this point, you are assuming that the tenants that might apply would not require any sort of temperature control during the cooling season for whatever operation that they may endeavor in potentially 24/7? Mr. Collins said that is what we are planning for now, yes. We obviously can't try to guess how much someone might need to be conditioned, if it's piece or all, or if any of the tenants would need that. Our plan for right now is heating only in the flex space, and heating and cooling in the office. Structurally it could be easily modified if it had to be, but that is not our plan.

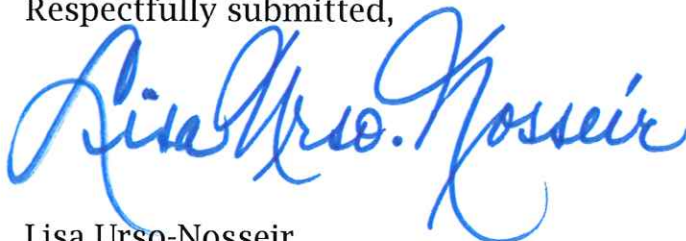
Mr. Muller and Mr. Collins concluded their testimony. Chairwoman Kwaak requested that the application be carried to a future date. Mr. Brodsky said what they would like to do is carry the application to February 23, 2023 Planning Board meeting. Mr. Cucchiaro stated that the application of LPG Capital, LLC, PPM2255, will be carried to the Board's February 23, 2023 meeting at 7:30 and there will no further notice to property owners. Submission materials are available for public viewing in the office of the Planning Board during business hours.

Chairwoman Kwaak opened the floor to the public for any non-agenda questions or comments. Seeing none, she closed the public section.

Chairwoman Kwaak stated that the next Planning Board meeting is Thursday, February 23, 2023 at 7:30 in the courtroom.

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