

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

**Planning Board Minutes**

**May 11, 2023**

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.

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

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

Absent from meeting: All Present

Also present: Ronald Cucchiaro, Planning Board Attorney  
Brian Boccanfuso, Planning Board Engineer  
Jennifer Beahm, Planning Board Planner  
Lisa Urso-Nosseir, Recording Secretary

**Application:** PMS1745A ~ RWF 33, LLC, Estate of Joseph Skeba  
Highway 33 and Smithburg Road  
Block 74 / Lot 23.02  
Amended Preliminary Major Site Plan  
*Carried from March 9, 2023*

Kenneth Pape, Esq. of Heilbrun, Pape represented the applicant this evening. Mr. Pape explained to the Board that this application was placed on the record at the March 9, 2023 Planning Board meeting and at that meeting, the Notices were made part of the record and we were carried to this evening. We were here in 2018 and we presented to you a site plan for two warehouse buildings. The application that we are presenting this evening is virtually the same application, there isn't a change to anything other than the building. The plan that is being presented this evening is the same site plan. There are two corrections that Mr. Boccanfuso brought to our attention that our engineer will address in detail and every commitment that the application made to the Board previously. In the past week, the County released all of the applications for DOT with the County signatures and also gave us their executed DEP signatures. It gives us the ability to deliver to the Town that which was

promised in the way of road improvements and Stormwater Management improvements. The request that we are presenting to the Board tonight is to increase the height of the building. The building was presented to the Board previously as 42', and we asking that it be 49.5'. That 49.5' is still variance free. As our clients went out to the marketplace, they were advised that the marketability of a building at 42' is not the same as one that is 49.5'. For that reason, we are asking this Board to allow us to increase the height without variance relief.

Mr. Pape continued and stated we are also asking for sign relief. We are asking for permission to have two signs on each building, where the ordinance says one sign. The request would be for two signs on each building, with the understanding that the maximum square footage of the two signs would be limited by the ordinance. The two signs together would be the size the ordinance permits. We would only ask for two signs on each building, if there was more than one tenant. If there is one tenant, we would agree that it is a single sign. The relief that we are seeking from the Board this evening is for the signs, the correction to the plan that was brought to our attention by Mr. Boccanfuso and our engineer is prepared to address these items on the record. Some grading had been done in the Stream Corridor which was forbidden. It was a minor encroachment, but it was one that our engineer was able to correct. There is also an underground pipe that is a discharge pipe that brings water from our site to the Stream Corridor and that requires a demonstration that there is no other prudent or reasonable opportunity to discharge that water without such pipe.

Mr. Cucchiaro swore in Mark Lescavage, Professional Engineer with Maser Consulting. Mr. Lescavage stated that Exhibit A1 is the same color rendering that was presented in the December 2018 hearing and the significance of this is that all of the circulation, parking, building sizes, building footprints, landscape berms are all on the plan - no changes to the site plan. Mr. Lescavage stated Exhibit A2 displays the two warehouses. Warehouse B is the larger warehouse on the southern portion of the property and adjacent to it is a proposed wet pond for Stormwater Management. This is the area that Mr. Boccanfuso identified that there was grading into the Stream Corridor. Mr. Lescavage said what you are looking at is a blow up of Sheet 11 of the site plan that was submitted. Previously in the location where the green circle is shown is where we had some grading going into that buffer. That was identified by the Board professionals indicating that the grading was in the Stream Corridor Buffer. We were able to propose a small wall, less than 2' in height, about 65' long and kept the grading from going into the Stream Corridor Buffer at that location. There will be no encroachment on that side of the wet pond anymore.

Mr. Pape said it was brought to our attention that there is a pipe from the basin to the ultimate discharge point. If you could identify that pipe, please. Mr. Lescavage pointed on the exhibit to the eastern end of the pond. There is a 36" discharge line for the wet pond that goes from the wet pond down to a channel that is just adjacent to the brook, which is the south end of the property. Mr. Pape said the pipe

can only be permitted if there was no other reasonable or prudent method of getting the water from the basin to the ultimate discharge point. How is that pipe going to be installed? Mr. Lescavage said it is identified on the plans and this pipe is being installed below existing grade, about 4'. There is about 938 sq ft of disturbance which would be in the Stream Corridor Buffer and once that is completed, this will be restored to grade and revegetated. There is no change in the grade in that pipe location. The surface will be returned to the original condition. The thing that would be exposed would be the very end of the outfall. Mr. Pape said there are other agencies that review this element of the plan. These agencies are Freehold Soil Conservation District and the New Jersey Department of Environmental Protection and have those agencies seen this plan. Mr. Lescavage said yes and that it has been approved. Mr. Pape asked Mr. Lescavage, is it your opinion that there is no other reasonable or prudent method of getting the water from the basin to the ultimate discharge point? Mr. Lescavage said yes, that is his opinion.

Mr. Boccanfuso said with regard to that criteria, that the basin or outfall facility may be permitted by the Board if there is no other reasonable or prudent alternative. Can you speak as to what would happen if you were able to terminate the pipe at the upper limit of the Stream Corridor Buffer, what would you expect to happen in the long term? Mr. Lescavage said it would never be approved by Freehold Soil Conservation District, because there would be an erosional channel that would develop and basically what would happen is instead of having the pipe convey that water there, you would have an erosional channel that would go through there and expose soils and sediments going into the Gander Brook. Mr. Boccanfuso said do you know the distance from the Stream Corridor Buffer to the receiving water way? Mr. Lescavage said the pipe is roughly 200'. Mr. Boccanfuso said there also appears to be some topographic issues that would impede your ability to have a discharge pipe that ended at the limit of the Stream Corridor Buffer, is that your interpretation? Mr. Lescavage said yes that it is my interpretation, it is very flat through there, so it would be very difficult. Mr. Boccanfuso said this is obviously a sensitive issue on every application that has these Stream Corridor Buffers. As Mr. Lescavage indicated during our technical reviews of this application and meetings that we have had, it was certainly front and center. We pointed out that this was going to be something that was going to be scrutinized when he came before the Board. He has reviewed this and as far as a reasonable alternative, because of the topography, he struggles to see anyway that this could be designed to comply. The topography is such that the wet pond would need to be raised substantially or somehow completely eliminated in which case you don't have Stormwater Management, which is obviously not something that you can do. As far as prudence, to discharge a pipe from the basin of this size over 200' from the receiving water way, would in all likelihood cause erosion problems and there would be no way to stabilize it because in order to stabilize it, you would need to disturb the Township's Stream Corridor Buffer, so that would require relief as well. Further, while he can't speak for the DEP or the Freehold Soil Conservation District, he can say that he has never been involved in an application where they have allowed

something like that where a pipe could discharge 200'+ from a receiving water way. They want these pipes to discharge as close as possible to the receiving water way for the reason of preventing erosion. Mr. Boccanfuso said not only is there no reasonable and prudent alternative, he believes this is probably the most responsible way to manage the stormwater discharge from this basin. Mr. Boccanfuso stated there were a handful of other comments in his report and some of them dealt with the relief that is necessary. Are you going to be addressing the variances that are necessary? Mr. Pape said the only variance we are asking for is the signage. Ms. Beahm had one comment. Just so the Board understands, there is a potential for multiple tenants and she takes no except to two signs as long as the square footage complies with what we typically allow. She said there is a variance with the pole mounted sign. Mr. Pape said they will comply with the regulations for the sign.

Mr. Boccanfuso asked if the refuse enclosures can be revised to be masonry and Mr. Lescavage said we will revise them. Mr. Boccanfuso spoke about the green belt and the berm and landscaping, and we covered a good deal of that during resolution compliance. Mr. Lescavage said nothing has changed and we are compliant with landscaping.

Mr. McNaboe asked Ms. Beahm if the 49.5' meets our ordinance height requirements and she said it is still compliant with our ordinance. Mr. McNaboe asked for further explanation of the improvements for Route 527A. Mr. McNaboe said so there was a serpentine road at one point that has been eliminated, could you please show us the improvements where there was one lane, and now there will be two and how far back does it go? Mr. Pape said there is a little notch shown on the bottom of the plan, we went through the process of going through the Green Acres. That notch has now been returned so that it became available for the road improvements. Mr. McNaboe said if he were heading northbound towards Route 33, how many lanes is he going to encounter? Mr. Lescavage said it is still one lane there, but there will be a shoulder, we are bringing it to the County's Master Plan list. Mr. McNaboe said so there were improvements on Route 33 all along; left, straight and the slip ramp. We were doing one lane, and we had this spine road around the front and that was how we were getting the truck traffic out. That road is no longer there, correct? Mr. Lescavage said no it is there. Mr. Lescavage said also on Route 33 we did add the lane that we talked about so there is a dedicated lane going into our right-in. Mr. McNaboe said he's good with Route 33. We added that road in the front because we couldn't get past the Green Acres. The triangle now is either diminished or gone. If that is the case, the bigger warehouse in the back - why are we bringing them around the smaller warehouse in the front? His guess is that most of them are going to go out that main intersection and Route 527A. Why didn't we widen the road back to that point? Mr. Lescavage said we couldn't widen the road because this was the Green Acres parcel, but it no longer is - so we are doing the improvements across there. Mr. McNaboe said his question is, why do we not have two lanes in the northbound direction for the length of this property allowing trucks to slide into the

facility and allowing trucks to slide out of it. He would have thought that was it – that was the entire intent of this triangular piece. Mr. Lescavage said we can submit a separate set of plans that can be presented to the Board. They were approved by the County. If they thought there was another lane required, they would have asked for it. We did do exactly what they wanted in terms of the Master Plan. That is going across that Green Acres parcel. Mr. Boccanfuso said he is looking at the most recent plans dated April 19, 2023. It does appear that to the north of that southerly access drive where there is a right turn movement is coming out of that southerly driveway does access its own northbound lane. It's a second lane and it runs across the entire frontage of the property from that point across the former Green Acres piece, past the Stormwater Management Basin, past the northerly egress drive, which was intended for the trucks in the northerly building and all the way up to the Route 33 intersection. He believes there is a second lane that the Board had requested as part of the previous application. South of that southerly driveway, there is also some roadway widening and what he would consider a deceleration lane to go into the site. So if you are approaching the site from the south, seeking to make that right hand turn into the site, you would be able to get out of the traffic flow for a certain distance, say a couple of hundred feet perhaps, and then make the right turn into the site.

Mr. Pape said Mr. Kennel confirmed it is all on the current site plans. Mr. McNaboe said if he were running across the street to that southerly drive, he would be crossing one south bound, and two north bound lanes. Mr. Lescavage said that is correct.

Chairwoman Kwaak had a question about the signs. Is there going to be signage on the buildings as well? Ms. Beahm said that is what they are asking relief for. They are entitled to one sign per building, they are requesting two, if they have two tenants, if not, there will be one. The overall square footage would be the same, they are not asking for an increase in square footage.

Mr. Pape said the remaining comments were limited to those on architecture. Steve Radosti, our architect is available for comments and questions.

Mr. Brown said to Ms. Beahm that in her letter, walls cannot front onto a residential zone. Is that part of the same variance relief being questioned tonight? She said yes. Mr. Brown asked if the signs are back-lit, correct? Mr. Pape said the signs have not been fully designed. At Final Site Plan when we have an end user there will be final architecture and final signs. Mr. Brown is concerned that the lights from the signs could disturb residents. Ms. Beahm said what do you mean by back-lit? Internally illuminated means it is channel letters or box letters that are lit up. Mr. Brown said that would be a good question for the applicant's attorney, because according to the architectural, item #6 is listed at the sign says back-lit.

Mr. Fisher requested native, deer-resistant plants. Mr. Fisher asked if the roofs would be ready for solar installation. Mr. Pape said the roof will be designed to handle the weight of solar panels and the end user will make the decision whether or not to install them. Mr. Fisher requested No Idling signs as well. Mr. Pape said no issue at all, we will put the signs up. Mr. Fisher asked about the E.V. stations. Mr. Lescavage said we will meet the new requirement of the state.

Mr. Pollifrone had a few questions having to do with open-ended topics on the environmental side. The first one had to do with the Maser Consulting Stormwater Management Report revised November 2020. On page 10, the section dealing with flood plains and riparian zones it states, "As outlined on the Flood Hazard Area Control Rules N.J.A.C. 7:13-3 flood hazard areas shall be determined along the regulated water. NJDEP flood hazard verification is pending." So his question is, he did not see any verification that this has been resolved. Is this verification still pending? Mr. Lescavage said no, that was a few years ago. We have an approved verification and an individual permit from Flood Hazard Area NJDEP. Mr. Pollifrone said he didn't see it in the submissions, but thank you. Mr. Pollifrone said possibly this next topic has been covered - in the Environmental Impact Statement, back in September 2018 there was an issue regarding arsenic level exceedances of non-residential direct contact soil remediation and default impacted ground water screening level standards. A final remedial action work plan methodology needed to be finalized and reported to the Board. Was that completed? Mr. Lescavage said it was, whether it was reported to the Board, he believes it was sent to Mr. Giddings from CME. Mr. Boccanfuso said yes we do have the RAO on file, the Response Action Outcome, which is effectively the clean bill of health from the Licensed Site Remediation Professional. Mr. Pollifrone said again, I did not see that in your submission. Finally, were you able to confirm the presence or absence of wells or septic tanks on the property? Mr. Lescavage said yes, as part of the RAO we did a geophysical survey and we had a clean bill. Mr. Pollifrone had a question regarding the traffic study. He noted that you used the latest edition of the Institute of Transportation Engineers Trip Generation Manual for a warehouse building to determine how many trips are generated. When it came to the analysis of future traffic, he also noticed that you used the 2010 Highway Capacity Manual, which is the fourth edition. They are now up to the seventh edition and he also noticed that the software that was used - there are three new releases since that time. His question is this: can you just assure the Board that any changes in the new releases to the software, or the new editions to the Manual, would not have impacted the traffic study that you performed? Mr. Pape stated that Mr. Lescavage did not author the report. Our traffic engineer will speak in just a moment.

Mr. Cucchiaro swore in Steves Radosti, Registered Architect. Mr. Radosti said Note #6 says building mounted signage, internally illuminated signage, sign square footage not to exceed 10% of respective elevation square footage. The signs would be internally illuminated signs, either channel letters, or a box sign. They would be LED lit. Ms. Beahm said the concern is the way that they are presented on the plan

currently is directly across the street from residential. In your experience, how far does the lights spill off those signs, is it going to be shining bright lights into the house across the street? Mr. Radosti said we can tone it down and we will have it meet your requirements for lighting levels for signs. Mr. Brown said how about possibly front lit so it shines down. Ms. Beahm said the letters are actually lit, so there's not full shining on the sign, like channel letters. Ms. Beahm said Mr. Radosti has worked very closely with her office and what is being presented to you was a culmination of many months of back and forth, and her office is satisfied with the design that is being presented.

Mr. Cucchiaro swore in Scott Kennel, with McDonough and Rea Associates - Traffic Engineers. Mr. Kennel stated as far as the traffic projections, they are generally consistent with what was provided in the prior application and the numbers that we had used in our analysis are 10% greater than what is recommended by NJ DOT. We took a conservative approach and used the higher traffic estimates. As far as the analysis software, it has been updated and shortly after this was published, we acquired it and we are utilizing it 100%. But as far as the results, even though there have been upgrades and new releases, he has compared it to other reports we have done, they are generally consistent; there is no material change to the results that have been presented. Mr. Cucchiaro said so when you say material change, what is the standard deviation that would be associated with the data? Mr. Kennel said he would expect it to be less than 2% - it is basically very consistent with the old software. The software really did not have much change to the unsignalized and signalized levels of service. Mr. Cucchiaro said so assuming there was a 2% change in either direction, would that have changed any of your conclusions? Mr. Kennel said not in his opinion. If it's the Board desire, he can provide a supplement with the most current software for the Board engineer's review. Mr. Pape said we will make a commitment to run the numbers through the new program. Mr. Pollifrone asked Mr. Kennel if he has now used the most recent version of the Highway Capacity Software, 8.2? Mr. Kennel said that is correct. For every traffic study that we have done since March 1, 2023. Mr. Pollifrone confirmed that Mr. Kennel has volunteered to provide a copy to the Board, so he is satisfied with that.

Mr. Boccanfuso asked Mr. Kennel if the DOT or the County have any comment or concern relative to the use of the previous version of the software? Mr. Kennel said the County has not; and as far as NJ DOT, we have just received the signed applications from the Monmouth County Engineer, so we will make a formal submission to NJ DOT within the next couple of weeks. The Township will be copied on that submission. Mr. Boccanfuso said you had submitted with this amended application an updated traffic study that was updated from the one you prepared and submitted in 2018 application. Mr. Kennel said that is correct. Mr. Boccanfuso said it used the latest version of the ITE for trip generation and it didn't appear that it changed things significantly, if at all. But there were some changes to the analysis for the intersection of Route 33 and Route 527 as a result of the off site traffic impacts that you input into the new report. Can you just briefly describe what you

did, and what the results were? Mr. Kennel said what we've recommended is that on Route 527A, the northbound/southbound approach should be modified with signing and striping so that anybody in the right-hand lane on those approaches, can also make a left turn. There are some vehicles that do that today, but we want to make it formal and official to the NJ DOT's approval process. The other recommendations were just adjustments in signal timing and it affected Route 527A approaches. There was no reduction in green time to Route 33 and the other thing that was different from the prior traffic study, we had suggested previously that a longer cycle length than what exists today, going from 90 to 120 seconds. With the updated traffic counts, and what we did also was to include five other developments in the area, it was determined that we could mitigate the site traffic impacts by maintaining the 90 second traffic signal cycle that DOT has in place today. In addition to traffic growth, we added traffic from five other approved developments from Millstone and Manalapan that would have an impact on that intersection. Mr. Boccanfuso said as a result of that minor mitigation, you discussed that you were actually able to improve the levels of service when comparing the no-build vs. built condition with mitigation.

Mr. Pape summarized and said that is the conclusion of the applicants direct presentation in support of the Amended Preliminary Site Plan approval for increasing the height of the building, modifying the signage and correcting the grading issue that was brought to our attention by Mr. Boccanfuso.

Chairwoman Kwaak opened the floor the public for comments and questions.

Mr. Cucchiaro swore in Matthew Valia, 262 Smithburg Road. He wanted to thank Mr. McNaboe for asking the questions about the two lanes that are going across. He was curious about where, if you were running across the street, you would encounter those two lanes. Currently, those two lanes don't occur until about five car lengths from the intersection. Running the entire frontage of that property, there is one single lane right now; there are not two lanes. The question would be, would there be two lanes put onto the plans so that when he's driving to work every morning, is he going to be stuck in traffic behind tractor trailers that are trying to enter that building, because there is not two lanes. If removing that patch of green space that was there, he was hoping that would be able to stay there so there could be an additional barrier to the warehouses, but that was taken off. He agrees with you, should there then be two lanes put there so that he can get to work. There's not going to be an extension of the cycle there from 90 seconds to 120 seconds. Those were his concerns. There are many, many additional warehouses that are being put on Route 33, east and west of this location. You asked about the updated traffic study and he just wanted to make sure that when we submit a supplemental traffic study, the impact of that development is incorporated into that. There is going to be much, much more with the zoning overlays that we have all over Route 33, it's just going to increase and negatively affect the value of our properties and our current lifestyle. There has been 12 traffic accidents from 2018 - 2021 in the ¼ mile stretch



from Baird to Clover. Many times they hit poles, they knock out the power to our house and we loose water. These are real concerns that weight heavily on him and his neighbors.

Chairwoman Kwaak closed the floor since there were no other comments.

Mr. Cucchiaro summarized that this is an Amended Preliminary Site Plan with ancillary variance relief for the number of signs and a finding that you agree with all of the engineers conclusions that there is no other viable way to design the Stormwater without going into the Stream Corridor Buffer area, including all the conditions that were placed on the record.

A Motion was made for Amended Preliminary Site Plan Approval for Planning Board Application PMS1724A, and Seconded by Mr. Fisher.

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

**Ordinance:**                    **Ordinance 2023-08**  
**An Ordinance of the Township of Manalapan, County of Monmouth, State of New Jersey, Amending and Supplementing Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, Article XIX, "Conditional Use Permits", Pertaining to the Conditional Use of Flex Space**

The Planning Board reviewed Ordinance 2023-08 regarding flex space.

Mr. Cucchiaro stated that the Board may recall that we had an application for flex space. We then referred the matter to the Zoning Board for a determination as to whether it was actually flex space under our ordinance or not. It revealed that there are probably some tweaks that could be placed in the ordinance so that it read it a little better. It wouldn't really change anything in terms of what flex is or isn't, but better defining what it is. What the ordinance does also is it designates it as a condition use - which means that if any of the conditions are not satisfied, they have to get variance relief from the Zoning Board. It takes it out of being permitted to condition, which is a bigger burden for an applicant who doesn't satisfy all the conditions. Our purpose tonight is to deter whether the ordinance is substantially consistent with our Master Plan and if we have any comments to give to the Governing Body, but primarily we are here to determine whether it is substantially consistent.

Mr. Cucchiaro continued and said what he can say about the ordinance, but he will also defer to Ms. Beahm, is it is not changing the fact that flex is permitted in some capacity. All it is doing is better defining the characteristics that we are already using to review it. It is just cleaning up and clarifying language. The other ordinance was substantially consistent, and because we are not introducing a new use, or prohibiting a use that was previously permitted, we are just better defining something, and from a legal standard it remains substantially consistent.

Ms. Beahm said she would agree wholeheartedly. We are just better defining not only what it is, but what we expect to see with respect to flex. We have learned a lot over the past year when we have seen these applications come in, so she would agree with Mr. Cucchiaro that it is substantially consistent with the Master Plan.

Mr. Cucchiaro had a couple of comments to add. In Section E, 'no flex space shall operate between the hours of 11:00 pm and 6:00 am prevailing time'. He just wanted to make sure that this means no operation at all - we're not just prohibiting deliveries and trucks going out, but you can't even have people working in there overnight, even if deliveries are not coming. Mr. McNaboe added without asking the Board's permission, as we do with any of our 24 hour operations. Mr. Cucchiaro said here, if they're not going to do it, they would have to appear before the Zoning Board to ask. Mr. Cucchiaro wanted to make it clear - it means nothing is going on at all; the building goes dark at 11:00 pm. Mr. McNaboe said aren't they supposed to do that, especially in proximity to a residential zone. In case of emergencies, the electricians that are out doing the work and need to reload their truck - such as that, we have different rules going on. However, the standard operating hours are not going on between 11:00 pm - 6:00 am. Mr. Fisher asked if on a Sunday it would be prohibited? Mr. Cucchiaro said between those hours it would be prohibited on a Sunday. Mr. Fisher said it could be seven days a week then? Mr. Cucchiaro said yes, it could be seven days a week, but not between 11:00 pm - 6:00 am. Mr. McNaboe said many businesses work Saturdays, and sometimes on Sundays. We have to draw the line somewhere, but we also want our businesses to be viable and able to survive.

Mr. Cucchiaro also noted Section F, 'facades of all structures facing public streets or visible from public streets or residential uses or which are located within 500' of a residential zone....' He said his only concern there is when we just say 'visible' from public streets or residential uses. When you are doing a conditional use, everything should be very specific so that there is predictability. Someone could make the argument that if they stand on their roof, they can see the building. He wondered if we could say that if you are within 500' of a residential zone or use, then that kicks in rather than the more ambiguous language. It would probably capture that, but in a way that is much more specific and predicable. Mr. McNaboe said he doesn't have an objection, but that means every building would be bricked on all sides, correct? Ms. Beahm said pretty much. Mr. McNaboe said the other way you wouldn't have to do the back side. Mr. Cucchiaro said the problems is it is a jurisdictional issue now, as

to whether you are proceeding before the Planning Board or Zoning Board and you have something that is little less than specific in there. Mr. McNaboe said we lifted that right out of the old ordinance. Ms. Beahm said she agrees. Mr. Cucchiario said remove 'visible from public streets or residential uses'. He would write it as, 'facades of all structures facing public streets or which are located within 500' of a residential zone or use shall be ....'. Ms. Beahm agreed with that language.

Mr. Cucchiario asked for some clarification on Section G which deals with the outdoor storage. We walk about temporary storage units, storage pods, storage trailers; and he would ask Ms. Beahm or Mr. McNaboe - a storage trailer, does that encompass if it's a tractor trailer and they leave the trailer portion? Ms. Beahm said yes that is the intention of that. Mr. Cucchiario said do you think that is clear enough? Chair Kwaak said she would say tractor trailer/storage trailer and be as specific as possible. Ms. Beahm said well it's not the tractor trailer - it's just the trailer part. Mr. Boccanfuso said does the word temporary capture that satisfactorily? Ms. Beahm said no. The first part of it is no storage - period. Mr. Cucchiario said aside from the trailers, what if they are parking a bunch of cabs there? Mr. McNaboe said they would licensed equipment, correct? Ms. Beahm said if you have true flex, such as a landscaping business and they have multiple vehicles that are going to be parked there overnight. There are no goods, or materials being stored there, but the cars are going to be parked there. She doesn't know if you want to limit that because that defeats the purpose of flex. Mr. Cucchiario said if that is fine, then we should probably say that in there that overnight parking of vehicles associated with the use is permitted.

Mr. Cucchiario asked about the term, 'temporary'. What would that be like - no more than 30 days? Two weeks? Mr. McNaboe said no storage is outside, so no temporary either. Mr. Cucchiario mentioned the water company that has appeared before the Planning Board several times and they've had a temporary trailer for over five years now. In their opinion, it is temporary because there is no foundation and eventually at some point in time, it will go away. It is a term that could be defined differently depending upon your perspective. You can keep the word temporary in the ordinance, but temporary should be defined. The definition of temporary time can be defined by the Governing Body. Mr. Boccanfuso said his understanding of the two different sentences there was that the first one pertains to material - if you had a landscaping business, you could not have shrubs and top soil sitting out in the parking lot. The second sentence is more of a way to limit the expansion of the building itself by putting these tractor trailers without the tractors or these pod units or something similar that may not have even invented yet. Mr. Kastell said what about the storage of empty trailers. Mr. Boccanfuso said these will not be warehouses. Ms. Beahm said she would submit that we could work with the Governing Body and come up with a realistic approach. Mr. McNaboe said where we do have flex space, the people come to the Township Committee and ask for permission to have pods. Ms. Beahm said we put that temporary storage upon receipt of a permit from the Township Committee, shall remain for no more than 30 days, or something of that nature.

Mr. McNaboe added that Section Two - we are adding in the LB zone and LI zone. Mr. Kastell said about a business such as a landscaper that needs just a small amount of office space, but needs to park multiple vehicles. Perhaps another business will come in and they too have multiple vehicles. Could this cause a parking problem? Ms. Beahm said certain municipalities have requirements that if you are going to have fleet vehicles, for every fleet vehicle you have you are required to provide a parking space in addition to what the requirement is based on the square footage. So let's say flex is 1 per 800 sq ft, and then you have a company like AJ Perry that has 10 vehicles - so it would be whatever the parking requirement is, plus 10 to accommodate the fleet vehicles so that they don't take up the entirety of the parking. This would be a compliance issue, but we can have the provisions in place. Ms. Beahm said she can get the language from that ordinance that has the fleet vehicle requirement and that would resolve that issue. Mr. McNaboe said once these buildings are broken up, they can say each spot or each square footage has so many spots. Mr. Cucchiaro said this will operate like a compliance issue - it's not going to come to the attention of the enforcement officer unless there is some problem that generates a complaint. There's no town that really has enforcement officers that are driving around looking for violations; they are usually generated by complaints or something that has happened on the property.

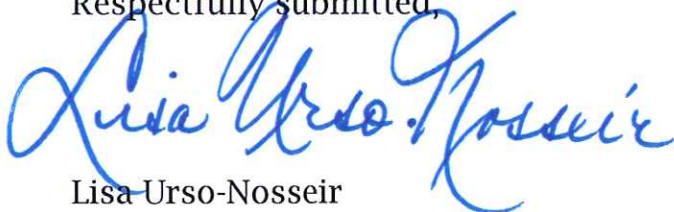
Chief Hogan made a Motion to find the Proposed Ordinance 2023-08 substantially consistent with the Master Plan and the Board will make their recommendations to the Governing Body, and was Seconded by Mr. Fisher.

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

Chairwoman Kwaak stated that the next Planning Board meeting is Thursday, May 25, 2023 at 7:30 in the courtroom.

Chief Hogan made a Motion to end the meeting at 9:00 pm and it was agreed to by all.

Respectfully submitted,



Lisa Urso-Nosseir  
Recording Secretary