

The meeting was called to order by Attorney Ron Cucchiaro and the opening statement was read by the Administrative Officer.

The Attorney gave the oath of office to the following members: Chief Andrew Kudrick as a Class II Member, Deputy Mayor Evelyn O'Donnell as a Class III Member, Robert Seaman as a Class IV Member, Michael Bozicevic as a Class IV Member and John Leggio as Alternate 1 Member.

ROLL CALL: Showed the following members were present: Nicholas Huszar, Chief Andrew Kudrick, Michael Bozicevic, Robert Nicaastro, Paul Schneider, Robert Seaman, John Leggio and Deputy Mayor O'Donnell. Paul Dorato, Brian Tannenhaus and David Everett were excused.

Also in attendance was the Board Secretary, Eileen Rubano

PLEDGE OF ALLEGIANCE:

Mr. Nicaastro made a motion for the Board to go into Executive Session to discuss personnel. The motion was seconded by Mr. Seaman and carried with all members voting for the motion. After the Secretary read the Executive Session Resolution into the record the Board recessed into Executive Session.

REORGANIZATION:

Attorney Cucchiaro asked for a nomination for Chairman for 2020. Mr. Nicaastro moved the nomination of Brian Tannenhaus for Chairman which motion was seconded by Mr. Schneider and carried with all members voting for the motion.

In the absence of Mr. Tannenhaus, the Attorney asked for nominations for Vice-Chairman. Mr. Nicaastro moved the nomination of Nicholas Huszar for Vice Chairman which motion was seconded by Deputy Mayor O'Donnell and carried with all members voting for the motion.

Vice Chairman Huszar asked for nominations for Secretary. Deputy Mayor O'Donnell moved the nomination of Eileen Rubano for Secretary which motion was seconded by Chief Kudrick and carried with all members voting for the motion.

Vice Chairman Huszar asked for nominations for Consulting Attorney. Mr. Schneider moved the nomination of Ronald Cucchiaro from the firm of Weiner Law Group, LLP for Consulting Attorney which motion was seconded by Chief Kudrick and carried with all members voting for the motion.

Vice Chairman Huszar asked for nominations for Consulting Engineer. Mr. Schneider moved the nomination of Laura Neumann from the firm of CME Associates for Consulting Engineer which motion was seconded by Mr. Seaman and carried with all members voting for the motion.

Vice Chairman Huszar asked for nominations for Consulting Planner. Mr. Schneider moved the nomination of Peter Van Den Kooy from the firm of CME Associates for Consulting Planner which motion was seconded by Chief Kudrick and carried with all members voting for the motion.

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Vice Chairman Huszar asked for nominations for Certified Tree Expert. Mr. Seaman moved the nomination of Shari Spero from the firm of CME Associates for Consulting Certified Tree Expert which motion was seconded by Mr. Nicastro and carried with all members voting for the motion.

Vice Chairman Huszar asked for nominations for Administrative Officer. Mr. Nicastro moved the nomination of Eileen Rubano as Administrative Officer which motion was seconded by Mr. Schneider and carried with all members voting for the motion.

Vice Chairman Huszar asked for nominations for Recording Secretary. Mr. Seaman moved the nomination of Eileen Rubano as Recording Secretary which motion was seconded by Deputy Mayor O'Donnell and carried with all members voting for the motion.

Vice Chairman Huszar asked for a motion regarding the 2019 Meeting Dates. Deputy Mayor O'Donnell moved the adoption and memorialization of the resolution for the 2020 meeting dates. Motion was seconded by Mr. Nicastro and carried with all members voting for the motion.

Board Attorney Cucchiaro announced that the Board did not have to pick an official newspaper as the MLUL outlines that the governing body and not the municipal agency determines and selects the official newspaper. The Board Secretary informed everyone that the Council has designated the Asbury Park Press, the Star Ledger and the Tri-Town News as official newspapers of the municipality.

Vice Chairman Huszar announced that he was the Environmental Commission Liaison to the Planning Board.

Vice Chairman Huszar also announced that the Site Review Committee would consist of Mr. Seaman as Chairman and Chief Kudrick and Mr. Huszar would be members.

Vice Chairman Huszar said they Board would hold off on appointing members to the Master Plan Subcommittee until a future meeting.

The Reorganization meeting concluded and the regular portion of the Planning Board meeting commenced.

REGULAR MEETING:

APPROVAL OF MINUTES: There were no minutes to approve at this meeting.

VOUCHERS: None

CORRESPONDENCE: The Board Secretary announced that she had a letter from Attorney Salvatore Alfieri asking the Board to carry the application for Gill Petroleum to March 19, 2020 with no further notice and granted the Board an extension of time to act on the application through March 31, 2020. Board Attorney Cucchiaro made an announcement for members of the public.

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RESOLUTIONS:**

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a. Case No. SP-1032 / Brian Hegarty

Mr. Nicastro made a motion to memorialize the resolution granting a one year extension of time to Brian Hegarty. Motion was seconded by Deputy Mayor O'Donnell and carried with Mr. Nicastro, Mr. Schneider, Mr. Seaman, Deputy Mayor O'Donnell and Vice Chairman Huszar voting to memorialize.

b. Case No. SD-2985 / Rosemarie Bird

Mr. Nicastro made a motion to memorialize the resolution granting a 190 day extension of time to Rosemarie Bird. Motion was seconded by Mr. Schneider and carried with Mr. Nicastro, Mr. Schneider and Mr. Seaman voting to memorialize.

c. Case No. SP-935A-3 / Benderson Development Co.

Mr. Nicastro made a motion to memorialize the resolution granting Submission Waivers to Benderson Development Company. Motion was seconded by Deputy Mayor O'Donnell and carried with Mr. Nicastro, Mr. Schneider, Mr. Seaman and Deputy Mayor O'Donnell voting to memorialize.

d. Master Plan Amendment to the Land Use Element

Mr. Nicastro made a motion to memorialize the resolution Adopting the Amendment to the Land Use Element of the Municipal Master Plan. Motion was seconded by Chief Kudrick and carried with Chief Kudrick, Mr. Nicastro, Mr. Schneider and Deputy Mayor O'Donnell voting for the motion.

e. Mater Plan Re-Examination Report

Mr. Schneider made a motion to memorialize the resolution Adopting the Re-Examination Report of the Municipal Master Plan. Motion was seconded by Mr. O'Donnell and carried with Chief Kudrick, Mr. Nicastro, Mr. Schneider and Deputy Mayor O'Donnell voting for the motion.

SUBMISSION WAIVERS BEFORE THE BOARD: There were no submission waivers.

APPLICATIONS BEFORE THE BOARD:

a. Case No. SP-1052 / Monmouth Commerce Center, LLC

Both Meryl Gonchar, Attorney for the Applicant, and Mark Caliguire, Objecting Attorney, put appearances on the record.

Ms. Gonchar reminded the Board where we left off at the last hearing and said she was going to continue her cross of Joseph Fishinger. She questioned him on the model he used for his traffic numbers and he said he used Myovision which is a digital camera system as opposed to manual counts done by the applicant. After reviewing some of the numbers Mr. Fishinger agreed that the numbers were within a 10% variation which you would expect.

Mr. Caliguire had no redirect for Mr. Fishinger and said he had no other witnesses.

Vice Chairman Huszar opened the hearing up for questions of Mr. Fishinger and since no one appeared the public portion was closed.

Ms. Gonchar said she would like to bring Justin Taylor back for redirect and he was reminded that he remains under oath. Mr. Taylor testified that he reviewed the transcripts and the exhibits that Mr. Fishinger presented. Mr. Taylor said that he used the fitted curve and Mr. Fishinger testified that the applicant should have used the average rate. Mr. Taylor presented a flow chart from the ITE manual to show how he determined he should use the fitted curve in his analysis.

Mr. Taylor also testified on the trip generations for a medical office which would also be a permitted use in this zone. It was his opinion that the warehouse use was a much lower traffic generator than other permitted uses. He further testified on Mr. Fishinger's exhibit for the traffic counts (0-6) and he agrees with Mr. Fishinger's exhibit but said his analysis is more consistent and higher than what Mr. Fishinger presented.

Mr. Taylor testified on the data from the DOT that Mr. Fishinger presented regarding the signs for no right turns out of the site for truck traffic. He said he agreed with Mr. Fishinger that you need DOT approval to post a weight limit on a roadway but Title 39 sets forth the ability of municipalities to govern traffic rules. He said they are not governing weight limits on roadways, they are governing the entrance and exits to a parking yard which is fully within their right.

Mr. Taylor further testified that all the percentages were increased based on the existing traffic volume and the traffic generated by the project.

As for Mr. Fishinger's concept plan for a traffic signal at County Route 547 and Randolph Road, Mr. Taylor concurs and said they are working with the county to accurately develop a concept plan for the intersection. He said that the County will require a traffic signal at that intersection and the analysis takes that into account.

Mr. Taylor presented Exhibit A-36, Driveway Vehicle Circulation, with minimum modifications from the last exhibit that was reviewed by Mr. Fishinger. They kept the same driveway width but moved the centerline over to allocate a greater portion of the driveway to inbound traffic to eliminate the encroachment into the outbound lanes. The Board Attorney asked if they were proposing this as part of their plan and Mr. Taylor said yes they would. He said this way a truck would now be able to access the site using only one lane rather than two.

Ms. Gonchar mentioned that the driveway width is governed by the ordinance but there is a provision that driveways over 24' have to be approved by the Board. She explained that they originally started with 33 or 35' driveways but they were told that the Board does not approve more than 30'. If the driveway width is still a concern there is a case to widen them and the ordinance allows it. She asked to go to 30' and would go further with the Board's approval.

Mr. Caliguire objected to exhibit 36 saying his professional has not had time to review it. This led to some discussion and he asked for the right to come back and cross on the exhibit.

Mr. Caliguire also questioned Mr. Taylor if intersection "F" still shows cars being blocked from exiting with trucks coming in and Mr. Taylor said that is an interior intersection and yes exiting vehicles would have to wait. He also said he could prohibit trucks from making left turns there and make them use the circulation aisle.

The Board took a recess from 8:45 to 9:00 p.m.

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Vice Chairman opened the hearing up for members of the public wishing to ask questions of Mr. Taylor and the Board Attorney mentioned that the questions are only on the testimony from this evening and only if you are not represented by the Attorney for H.O.P.E. The following members of the public appeared:

**John Gurzo, 707 Oak Glen Road
Tina Smilek, 33 Charles Street
Ronald Springer, 494 Lakewood Farmingdale Road
Kristen Burke, 14 East Shenendoah Road
John McNulty, 4 & 12 Arnold Boulevard
Nelson Santos, 768 Oak Glen Road
Laurie Oister, 48 Danella Way**

Most of the questions concerned road improvements, traffic using alternate roadways to avoid delays, fire trucks entering the site, trucks parking on Randolph while waiting to enter the site and the addition of this projects traffic to traffic that currently backs up on Route 547 from Herbertsville Road past Soldier Field. They were concerned with the safety of the kids crossing the road when the traffic is backed up. Another item raised was if there were any mitigating measures and Mr. Taylor said he thinks this will work 100%.

Seeing no other members of the public wishing to ask questions of this witness, Vice Chairman Huszar closed the public portion of the hearing.

Mr. Cucchiaro said that Ms. Gonchar wanted to address some odds and ends and believes that one issue was already taken care of. It pertained to the non-compliance with the environmental testing on the property. The Board Engineer did a supplemental letter saying the applicant has complied with all requirements.

Mr. Caliguire said he could not confirm this and Mr. Cucchiaro said he spoke to Mr. Bossong and he will check with him at the next hearing. Ms. Gonchar believes he may have put something on the record at the last hearing.

Ms. Gonchar mentioned that the Fire Bureau site review in March had some comments which were addressed and their December review said they had no new or additional comments. Ms. Gonchar also questioned why Brick Utilities would be concerned with this project; they will meet all of DEP and Howell Township requirements. She also said that the driveways are currently designed safely and the offer remains to widen any and all beyond 30 feet and believes their original design was wider.

Board Attorney Cucchiaro said they would carry this application to another hearing and they would hear testimony from the applicant and objector on exhibit A-36 and then it would be open for the public for testimony. Once that is complete we will have summations by the Objecting Attorney and the Applicant's Attorney and then the Board would deliberate and vote. Mr. Caliguire had no objections and Ms. Gonchar was concerned with whether the new board members would have a chance to watch the videos so they could certify to vote. Mr. Cucchiaro said they will make every effort to have them certified.

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Board Attorney Cucchiaro made an announcement that the application of Monmouth Commerce Center would be carried to the Board's January 30, 2020 hearing with no further notice and Ms. Gonchar granted the Board an extension of time to act on the application through January 30th.

MASTER PLAN STATUS REPORT: There was no update this evening.

Since there was no other business, Mr. Nicastro made a motion to adjourn. Motion was seconded by Chief Kudrick and carried.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Eileen Rubano". The signature is written in a cursive, flowing style.

**Eileen Rubano
Recording Secretary**

NOTE: A CD or DVD of this meeting is available on request.