The meeting was called to order by Vice-Chairman Brian Tannenhaus and the opening statement was read by the Administrative Officer.

ROLL CALL: Showed the following members were present: Paul Dorato, Nicholas Huszar, Chief Andrew Kudrick, Robert Nicastro, Paul Schneider, Robert Seaman, Deputy Mayor Evelyn O’Donnell and Vice-Chairman Brian Tannenhaus. Thomas Boyle and Chairman Robert Nash were excused and David Everett arrived at 7:10 p.m.

Also in attendance were: Ron Cucchiaro, Board Attorney, Laura Neumann, Board Engineer, Peter Van den Kooy, Board Planner, and Eileen Rubano, Board Secretary. Shari Spero, Board Certified Tree Expert arrived at 8:30 p.m.

PLEDGE OF ALLEGIANCE:

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

VOUCHERS: None

CORRESPONDENCE: The Board Secretary received an email from Attorney Salvatore Alfieri asking the Board to carry the application for Gill Petroleum Inc., Case No. SP-1006 to the Board’s March 21, 2019 meeting with no further notice. Board Attorney Cucchiaro announced that this application would be carried for members of the public.

The Board Secretary also received Ordinance O-19-12 from the Township Clerk amending Chapter 188 Land Use, Article XVI Planning Board, Section 154, entitled Alternates of the Revised General Ordinances of the Township of Howell. Mr. Cucchiaro explained this ordinance to members of the Board saying it had to do with the appointment of the alternates to the Planning Board. He also said it is a land use ordinance but has nothing to do with the Master Plan.

Mr. Nicastro made a motion that this ordinance is consistent with the Master Plan. Motion was seconded by Mr. Seaman and carried with Mr. Dorato, Mr. Huszar, Chief Kudrick, Mr. Nicastro, Mr. Schneider, Mr. Seaman, Mr. Everett, Deputy Mayor O’Donnell and Chairman Tannenhaus voting for the motion.

RESOLUTIONS: There were no resolutions to memorialize.

SUBMISSION WAIVERS BEFORE THE BOARD:

APPLICATIONS BEFORE THE BOARD:

a. SD-2985 / Rosemarie Bird

Prior to any testimony on this application, Mr. Huszar, Deputy Mayor O’Donnell and Vice Chairman Tannenhaus recused themselves. Since Chairman Nash was absent the board members voted to have Mr. Schneider assume the role of Chairman for this application.
Todd Cohen, Attorney for the Applicant, appeared and explained that this property received prior subdivision approval and because lot 69 is farmland assesses a farmland buffer was required as part of that approval. Two single family homes have been erected on the site and the applicant has lived there for 3-1/2 years. They feel that a better utilization of the property would be to increase the farm lot and reduce the residential lots so they are requesting a lot line adjustment. Mr. Cohen said that from the street view, you won’t be able to tell the difference. He said that usually when you are seeking subdivision approval it is to gain additional lots, but in this case we are starting with three lots and ending with three lots. They are also seeking to remove the farmland buffer from the northern property line as it should not have been required as it was farmland to farmland.

Mr. Cucchiaro said that is a legal matter as to whether the ordinance never required it or a variance should have been granted and Mr. Cohen said it was a variance.

Rosemarie Bird was duly sworn and testified that she purchased the 10 acre piece of property with her son and in 2014 received subdivision approval for 3 lots. She owns one lot, her son owns one lot and together they own the farm lot which received farmland assessment in 2016. They have plans to put a greenhouse on the piece of land where the lot lines will change and do aeroponic vegetable tower gardens. If the Board does not grant the subdivision they will have to place the greenhouse farther back on the property but they will pay more for utilities as water and electric are needed.

Jeffrey Carr, PE, was duly sworn, gave his credentials to the Board and was accepted as an expert. He testified on the property as the three lots currently exist and the proposed three lots.

Board Engineer, Laura Neumann, asked if the greenhouse would comply with the setbacks which are 75’ front, rear and side yards and Mr. Carr said the greenhouse would be 30x60’. Board Attorney Cucchiaro said the greenhouse needs to comply or you will have to come back to the board.

Mr. Cohen said that if the application is approved he has no problem with a condition of the approval being that the greenhouse must comply with the setbacks.

Mr. Carr testified on the dimensions of each proposed lot with a portion of each of the front lots being given to the farm lot and creating two 1.25 acre lots in the ARE-2 zone.

Mr. Nicastro said this would be creating two non-conforming lots and asked why this would enhance the area.

Mr. Carr testified that we are not changing the density or the character of the neighborhood as they currently have three lots and if approved they will still have three lots. There will be no impact to the surrounding properties and nothing changes from a neighborhood perspective as they will see the same thing.

Board Planner, Peter Van den Kooy, explained that they are enhancing the farmland and the number of lots are not changing but they are increasing the intensity of the use of the residential properties by reducing the lot size. They will be going from one nonconforming lot to two nonconforming lots. The purpose of our ordinance is to create two acre lot minimums.

Mr. Carr testified that anytime the town creates an area of town with two acre minimums it is so the density is not increased. This application will not increase the density as they have three lots now and
will continue to have three lots with this application. He also feels they are supporting the ordinance and the Master Plan by having farmland in the area.

Board Engineer Neumann questioned whether these lots will required farmland buffers if they are residential and there is farmland in the rear. She said the flag lot is now a farm lot so farm to farm you can remove the buffer, but according to the ordinance a residential use is required to have a buffer if adjacent to a farm.

Mr. Cohen said that his client has no objection to the 50 foot buffer on the two residential lots to the farm lot and Mr. Carr stated that they are seeking to eliminate the 50’ buffer where the farm is adjacent to another farm. Ms. Neumann took no exception to the removing of the buffer where it is farm to farm.

Mr. Cohen also asked for a condition of approval that if the farmland on lot 69 ceases to exist then the farmland buffer could be vacated.

Mr. Van den Kooy pointed out that there was an encroachment into the buffer and Ms. Bird testified that part of the farmland buffer was removed in error and they would replant if the buffer was not vacated. Mr. Van den Kooy said it looks like there is gravel within 50 feet of the property line and it needs to be grass so they need to restore the lawn.

Mr. Van den Kooy also informed the Board that there are two accessory sheds in the front yard area and one appears to be within 50 feet of the lot line. Mr. Cohen said they will field verify the locations of the sheds and if they need to be moved they will be and there is room to move them so they will eliminate the variance by moving them.

Mr. Nicastro commented that by relocating the lot lines you are reducing the property from 2.0 acres to 1.45 acres and adding a 50’ buffer. Mr. Carr said yes it is a buffer and you can’t put anything in it but it is also the rear setback. Ms. Neumann testified that it is creating another constraint on the property and the applicant had just testified that it was hard to locate things on the lot.

Chairman Schneider opened the hearing up for members of the public and the following appeared:

Christopher Catalfano, 485 Newtons Corner Road, who had issues with the buffer since the applicant cleared the property up to his property line and was wondering where they would park cars for the “pick your own” blueberries that the farm is proposing. He also said that he has lost some of his privacy so he has personally planted some Leland Cypress so he is giving away his property to get his privacy back.

Richard Mertens, 111 Inkberry Lane, who felt that the applicant is enhancing the objectives of the town, to promote farming and it is a family run business.

Jeff Hodges, 22 Bock Boulevard, represents the fire districts and he stated that the fire bureau has reviewed the application and has no objections.

Seeing no other members of the public wishing to speak on this application, Chairman Schneider closed the public portion of the hearing.
Mr. Cohen said the Environmental Commission and the Farmers Advisory Committee also reviewed the application and had no comments.

Several Board Members expressed concerns with the buffers and the neighbors’ privacy.

The Board took a short recess.

Mr. Catalfano would like the following conditions if approved. A 6’ fence along the property line from the front of his house to the rear property line, they would maintain 20’ of trees on the lot portion being transferred to the farm and the greenhouse would be placed on the north lot instead of the south lot.

Chief Kudrick asked for a timeline for the replanting and installing the fence and Ms. Bird said it would be done no later than the end of October 2019.

Chief Kudrick made a motion to approve the minor subdivision application for Rosemarie Bird. Motion was seconded by Mr. Dorato and carried with Mr. Dorato, Chief Kudrick, Mr. Nicastro, Mr. Schneider, and Mr. Seaman voting for the motion. Mr. Everett voted against the motion.

b. Case No. SD-2984 / Lanes Pond Developers, LLC

Mr. Huszar, Deputy Mayor O’Donnell and Mr. Tannenhaus returned to the meeting and Mr. Tannenhaus resumed his role as Chairman for the evening.

Kenneth Pape, Attorney for the Applicant, appeared as said they are seeking minor subdivision approval to subdivide approximately 15.58 acres into three residential lots. Most of the property is in the ARE-3 zone but a small portion is zoned ARE-2. The application is variance and waiver free but they exceed the RSIS standards so they need to register.

Donna Bullock, PE, was duly sworn, gave her credentials to the Board and was accepted as an expert. She testified on the location of the property and surrounding uses which include a mix of residential, farms and a commercial landscaper. She said each lot conforms to the zone and meets or exceeds the road frontage required. Ms. Bullock testified that they have performed three separate soils testing as there is no sanitary sewer or potable water on the site and all utilities applications have been made. They have received approval from Monmouth County Planning Board, the application with Freehold Soils is pending and they have applied to the DEP to confirm the wetlands.

Ms. Bullock further testified that there are 2.35 acres of wetlands in the southerly portion of the site which require a 300’ buffer for Dick’s Brook. These are environmentally sensitive and non-developable and will remain that way with a conservation easement. She also reported on outside agency approvals already received.

Mr. Pape informed the Board that originally this was an application for Preliminary and Final Major Site plan to subdivide the property into five lots, then four lots and now it is a minor subdivision for three lots. They presented their application to the Environmental Commission more than once. He said that the major subdivision required improvements to the roads with curbs and sidewalks but due to the cost of those improvements they have decided to go for a three lot minor subdivision with dedications to the township for right-of-way but no improvements.
Ms. Bullock said they reviewed the staff reports from CME and the minor technical issues will be addressed. She spoke to both the Board Engineer and Board Planner and will comply with the comments in their review letters.

Ms. Neumann asked how the subdivision would be filed and Ms. Bullock said it would be filed by map.

Chairman Tannenhaus opened the hearing up for members of the public and the following appeared:

Russell Clouse, 320 Lanes Mill Road

Mr. Clouse owns a rental property at 37 Miller Road across the street from the applicant’s property and wanted to know if the applicant was proposing and curbs or sidewalks along Lanes Pond Road or Miller Road as he feels it is a safety issue. He also asked about any screening along the Miller Road side of the proposed subdivision.

Mr. Pape replied that they will be providing street trees along Miller Road but there is no buffering required per the ordinance. Ms. Spero said that the street trees are usually 40 to 60 feet apart but she will review it.

Mr. Clouse didn’t think this application should be approved as farmland is going away.

Edward Colligan, 1092 Lakewood Farmingdale Road

Mr. Colligan thought the subdivision was a good idea as it will enhance the value of the other properties in the area.

Seeing no other members of the public wishing to comment on this application, Chairman Tannenhaus closed the public portion of the hearing.

Mr. Pape respectfully requested the board approve this application and said three homes on 4 acre lots does not change the rural character of the area.

Mr. Schneider made a motion to grant minor subdivision approval to Lanes Pond Developers, LLC. Motion was seconded by Mr. Huszar and carried with Mr. Dorato, Mr. Huszar, Chief Kudrick, Mr. Nicastro, Mr. Schneider, Mr. Seaman, Mr. Everett, Deputy Mayor O’Donnell and Chairman Tannenhaus all voting for the motion.

c. Case No. SP-830-A3 / Northeast Remsco Construction

Robert Munoz, Attorney for the Applicant, appeared and informed the Board that they have been working on this project for the last ten years. After a short history of how this application has evolved, he said the applicant does heavy construction and they have a lot of equipment and a lot of storage on this site. It is not a normal construction site, they have heavy machines that need to be transported on trailers.

Joseph P. Bonner, PE, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Bonner testified on the location of the site, surrounding uses and the existing condition of the site. They have a temporary trailer on site which houses the office for the staff and it will be
removed once the office building is constructed. He testified on the structures they are proposing and the lighting for the site.

Ms. Neumann said that given the testimony, she takes no exception to the lighting in this case.

Mr. Bonner testified on the phasing for the project, and the fuel area with two fuel stations which will have portable, double walled diesel containers. He also testified that they will try to comply with the comments from the fire bureau. They have fire suppression systems in the buildings but if the fire bureau wants a hydrant they will accommodate that.

Mr. Huszar questioned the fuel canopy being on gravel and Mr. Munoz said the problem was the weight of the vehicles. Mr. Huszar disagreed and said they need rebar in concrete. Mr. Huszar also asked about monitoring wells on the property and Mr. Bonner said it was from a Frequency Engineering plume and he can provide documentation that they are not their wells. Mr. Huszar would also like to see bollards at the fuel canopy.

Mr. Bonner testified on the improvements at the front of the property which includes a green fence to screen the site. The fence will tie into the buildings with parking, berms and screening in the front yard and they will comply with the town’s ordinance on the berms and screening. He also testified that they own 5 to 7 temporary trailers which are stored on site until they are brought to a job site. They also have generators stored on trailers which are used to test and power the tunnel boring machines. They are also proposing replacing and refurbishing the gravel which currently exists on the site.

John Gutierrez, Equipment Manager, was duly sworn and testified on the daily routine of this yard. The mechanics repair and maintain the equipment and the staff loads and unloads equipment and dry storage materials which include ductile iron pipe, plates, trench boxes, containers and small equipment. Their goal is to have no equipment in the yard. He also testified that Building A would be for the storage of dry material which has to be out of the elements. They are not storing anything that would spill and the shed would be for the micro-tunnel division components and control containers. He also stated that they don’t work on contaminated sites.

Mr. Gutierrez testified that they have approximately 18-20 employees which include mechanics, yard personnel and administrative people. They work one shift Monday through Friday from 7:00 a.m. to 3:30 p.m. If they do night work it is usually only two employees and that happens once every couple of months. They have loaders, fork lifts and skid steers to move equipment around the yard. Ther will be no storage outside the fence area and they don’t assemble anything as their welding operation was moved to New Gretna. All maintenance will be done indoors. They would like to break ground in the summer and do the parking lot, office, storage building and the landscaping. He also testified that they are proposing bollards around the fuel area and will do whatever the Board requests for that area and they have spill kits for fuel spills. Mr. Gutierrez also testified on their recycling program for waste oil and regular trash and recycling pickups.

Robert Dooley, Jr., Architect, was duly sworn, gave his credentials to the Board and was accepted as an expert. He testified on the finishes for the various buildings and said they will add bollards where needed and the fuel canopy will have a concrete base.
Mr. Nicastro asked for some testimony on the uninterrupted length of the buildings and both the Board Planner and Engineer commented that they need recesses or projections. Mr. Dooley responded that he thinks he addressed the intent of the ordinance with the exception of the pilasters.

Ms. Spero, Board Certified Tree Expert, had many comments regarding the landscaping and said they need to do some work. Mr. Munoz said they will raise the berm and do whatever landscaping they need.

After some discussion on what the board is looking for with respect to the architectural design the application of Northeast Remsco Construction was carried to March 21, 2019 with no further notice.

Mr. Schneider made a motion to adjourn. Motion was seconded by Mr. Nicastro and carried.

The meeting adjourned at 10:26 p.m.

Respectfully submitted,

Eileen Rubano  
Recording Secretary

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