The meeting was called to order by Chairman Robert Nash 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, Robert Seaman, Deputy Mayor Evelyn O’Donnell and Chairman Robert Nash. Thomas Boyle, Paul Schneider and David Everett were excused and Mr. Tannenhaus arrived at 8:10 p.m.

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

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: Mr. Nicastro made a motion to approve the minutes of the December 20, 2018 meeting. Motion was seconded by Chief Kudrick and carried with Chief Kudrick, Mr. Nicastro and Chairman Nash voting for the motion.

Deputy Mayor O’Donnell made a motion to approve the minutes of the Reorganization/Regular Meeting of January 3, 2019. Motion was seconded by Chief Kudrick and carried with Mr. Dorato, Mr. Huszar, Chief Kudrick, Mr. Nicastro, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voted to approve.

Chief Kudrick made a motion to approve the minutes of the January 17, 2019 regular meeting. Motion was seconded by Mr. Seaman and carried with Mr. Dorato, Mr. Huszar, Chief Kudrick, Mr. Seaman and Chairman Nash voting to approve.

VOUCHERS: None

CORRESPONDENCE: There was no correspondence to discuss.

RESOLUTIONS: There were no resolutions to memorialize.

SUBMISSION WAIVERS BEFORE THE BOARD:

APPLICATIONS BEFORE THE BOARD:

a. SD-2980 / M and M and G & C Ercolino

Todd Cohen, Attorney for the Applicant, appeared and explained that this application was originally submitted as a four (4) lot major subdivision with a flag lot but after discussion with the professionals it was reconfigured to a three (3) lot minor subdivision with variances that relate to existing conditions.

Charles Surmonte, PE, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Surmonte testified on the location of the property which contains a single family dwelling, circular gravel driveway and a garage in the rear. They are looking to subdivide into three equal
properties with wetland buffers/conservation easements in the rear of the properties. He also testified on the items listed in Ms. Neumann’s review letter dated 2/25/19 and said the subdivision would be filed by plat. They will be proposing drywell systems to handle runoff and future access from paper streets known as Maple Place or Magnolia Street is highly unlikely and Mr. Cohen agreed that the Board could make that a condition of approval. Mr. Surmonte said they will install monuments as required by ordinance for the riparian buffer at the rear of the property. He also requested a design waiver for providing sidewalks along Colts Neck Road as none exist presently. They do have an application pending with Monmouth County so they don’t know if they will mandate that sidewalks be installed. As to comments 5A through D they will comply.

Mr. Surmonte also asked that the historic use of the property be waived. He explained that the applicant purchased the property in 1979 and has been in its present condition since then. For over 40 years that has been no farming on the property and it may have been a horse farm previously and is mainly wooded.

Ms. Neumann, Board Engineer, said she takes no exception to the granting of the waivers. She said this was originally presented as a major subdivision with more disturbance and would have required an LOI and flood hazard permit as it was closer to the wetlands line.

Mr. Surmonte testified that they have done soil borings for suitability for septic but it is premature to call the County out for actual septic locations. They don’t have final designs for the homes yet but they will comply as a condition of approval. He also requested a waiver for providing a phase I on the property. Ms. Neumann again took no exception to this as it is not an ordinance requirement. Mr. Surmonte also testified that they had an LOI from the state in 2005 with no wetlands or buffers on the property. The letter expired in 2015 but they are not proposing anything with 400 feet of the rear property line and they are providing a 300’ riparian buffer and a conservation easement to that area of the property. They are asking for a waiver of updating the LOI or seeking flood hazard area certification. Mr. Surmonte had no objection to updating the plans according to the comments in Ms. Neumann’s review.

Mr. Huszar asked Ms. Neumann about the expired LOI but she didn’t think they had to provide an updated LOI.

Chairman Nash asked whether the applicant consider extending the conservation easement further to the west and Mr. Cohen asked what the purpose would be. Mr. Cohen asked if the Board would consider 50’ and Mr. Nash said whatever the applicant is willing to provide would be appreciated. Mr. Cohen said they would grant an additional 50’ buffer from the buffer line shown on the plans. Mr. Surmonte suggested a straight line approximately 340 or 360 feet from the brook throughout the buffer to make it cleaner but will average 350’ from the brook.

Ms. Spero, Board Certified Tree Expert, asked if the applicant would agree to provide at least one street tree per lot and Mr. Cohen said they would.

Chairman Nash opened the hearing up for members of the public but seeing none, the public portion was closed.

Mr. Cohen summarized asking the Board to grant the minor subdivision with requested waivers and conditions agreed to and the variances for the existing non-compliant conditions.
Deputy Mayor O’Donnell made a motion to approve the application for minor subdivision with the conditions agreed upon. Motion was seconded by Mr. Huszar and carried with Mr. Dorato, Mr. Huszar, Chief Kudrick, Mr. Nicastro, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting to approve.

b. Case No. SP-1013 / SL Homes, Inc.

After Chairman Nash introduced the application, Board Attorney Cucchiaro gave some history of the application saying they received Preliminary approval from the Board which was then challenged in Superior Court. The parties agreed that rather than litigate the matter they would come back and represent the application to the Board as required by the settlement. Mr. Cucchiaro said in lieu of reintroducing the exhibits from the original application, we have pre-marked all previous exhibits with the same numbers.

Jan Wouters, Attorney for the Applicant, appeared and requested Preliminary Site Plan and Woodlands Management Plan approval with ancillary variances and design waivers for a mixed use retail shopping center, with one multi-tenant retail building, and two one-story pad sites and 221 parking spaces. The property consists of 12.6 acres just north of the Casino Drive on the east side of Highway 9.

William Stevens, PE, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Stevens testified on the size of the property which is currently vacant but has a few dilapidated structure foundations and a billboard that will be removed if the application is approved. The property is generally wooded with deciduous trees and evergreens. They are proposing a shopping center with three buildings. The main building would be a two-story multi-tenant building with 15 individual stores and a small mezzanine in the center portion on the second floor. The other two are currently one-story pad sites for possible future fast food restaurants.

Mr. Stevens also testified on the stormwater management for the site which will consist of a series of inlets and pipes to capture runoff from the building and parking lot to a series of detention basins. The water will be detained and infiltrated before being discharged to the bed of the Manasquan River. He further testified on the wetlands which have been delineated with a Letter of Interpretation received from the State of New Jersey. They have also received correspondence from the DEP that the flood hazard area line is accurate and no individual flood hazard area permit is required. He even read an email from Ching Wai Liang, dated March 5, 2019 into the record and Ms. Neumann said she also reached out so this issue could be resolved and they confirmed that a FHA permit is not required.

Mr. Stevens testified that DuBois Environmental did an Environmental Impact Statement and a Threatened and Endangered Species Evaluation and the conclusions were that the project will not have any irreversible, adverse or detrimental impacts to the Bald Eagle or the Bobcat. Mr. Huszar, the Environmental Commission Liaison, had no comment as the Environmental Commission reviewed and they are fine with it.

Mr. Stevens said he reviewed and is familiar with CME’s planning review letter dated 3/1/19. He testified on the variance for the four-season buffer proposed for the area between their site and the Villages. They are proposing removing all vegetation with the exception of two trees; construct a low
berm, 2-3 feet high which will be planted and a 6 foot fence along the parking lot on the applicant’s side of the property.

Ms. Spero said she reviewed their plans and they are proposing a double row of cedars. She indicated that they could mix up the species in the buffer.

Chairman Nash asked if they would be willing to work with Ms. Spero to develop the buffer with planting she feels would be more substantial. Mr. Stevens said that was their intention and Ms. Neumann commented that relief is required with approval but since they are here for preliminary the Board would see the finalized buffer prior to acting on the application for final approval.

Mr. Stevens also testified on the two design waivers they are requesting. One is for landscaping between the parking lot and the main building and he asked for approval to use a series of planters instead of formal planting beds. He explained that there are so many doors; the planting beds would create a tripping hazard and a nuisance to maintain. He also requested a waiver to make a contribution into the tree fund in lieu of planting all the trees. Ms. Spero agreed that there were 261 trees that would not be planted.

Ms. Neumann commented that there is no parking proposed against the building and the applicant is providing bollards. Mr. Nicastro and Mr. Tannenhaus would like to see a drawing and Chief Kudrick suggested that the size of the planters could eliminate the bollards.

Board Attorney Cucchiaro said the applicant is only seeking preliminary approval so he suggested tabling this discussion and let them depict if for final. This way they can see the final design and decide at that time.

Mr. Stevens testified on light intensity and Mr. Tannehaus had a few questions. Mr. Wouters said they don’t have tenants for the two pad sites so that could affect the lighting and location of plantings. A short discussion took place on the lighting for the site and Mr. Cucchiaro said they could also look at this during final.

Mr. Stevens also testified that they will put monuments along the wetlands line and all development will stop there.

Another discussion took place on the circulation of the parking lot. Mr. Stevens testified that they have 221 parking spaces which include 8 handicapped spaces and 211 are required. Chairman Nash suggested eliminating a few spaces and providing a pedestrian crossing to make it a little safer. He also asked that they stripe the crosswalks and Mr. Stevens agreed. Several members had comments about the entrance way and Mr. Stevens asked if they could wait until they have tenants and see what they need prior to changing the plans.

Mr. Stevens further testified on the comments in Ms. Neumann’s review letter. He said they discussed interconnections with the Villages, but they don’t want it. He also said they will agree to add sidewalks along the Route 9 frontage but it will stop short due to the riparian buffer required for the Manasquan River. On the northern end of the property the sidewalks would stop behind the guide rail as the Villages does not want the sidewalk going into their property.
Mr. Nicastro asked what the ordinance calls for on the sidewalks and Ms. Neumann said they need sidewalks along the frontage and they have that. Mr. Nicastro also mentioned that he recalled they were going to work on Wyckoff and he believes they were going to put sidewalks in. He suggested that we check on that before making a decision and Ms. Neumann said she would look into it.

Mr. Stevens said the applicant will consolidate the lots into one parcel by deed and he will check with the Township Attorney and the Township Engineer for approval. He believes the DOT will require the consolidation as well and Mr. Wouters said he will do it as part of resolution compliance.

Mr. Stevens agreed to comply with all technical comments in the Board Engineer’s review letter with the exception of the pump station which is being eliminated. He explained that they will be connecting to water and sewer now that New Jersey American Water has extended sewer and water to the area but they will still have irrigation wells.

Mr. Stevens also gave the Board an update on all outside agency approvals.

The Board took a short recess between 8:30 and 8:36 p.m.

Chairman Nash opened the hearing up to members of the public for questions only of Mr. Stevens and the following appeared:

Barbara Dixel, 62A Piazza Vittoria, who had questions on the buffer between the site and the Villages, stormwater management, flood hazard area permit, lighting and the hours of operation. Mr. Wouters answered all of Ms. Dixel’s questions.

She also asked if this site was zoned for a shopping center and both Mr. Cucchiaro and Board Planner Van den Kooy said that it was. Ms. Dixel then asked if they could make sure they don’t put in a supermarket and Mr. Wouters said they can put in whatever is a permitted use on the site.

Roy Coon, 150B Rue de la Harne, asked how close the fast food restaurant would be to his back door and is there an ordinance on how far they can be. Mr. Stevens responded that he is 100’ off the property line and the fast food restaurant is about 125’ away and part of that 225’ is the 50’ buffer.

Jerry Dixel, 62A Piazza Vittoria, asked if a 53’ tractor trailer can swing out of this site and everyone agreed that this question was not for Mr. Stevens.

Chairman Nash closed the public questioning.

John Rea, Traffic Engineer, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Rea testified that he prepared the traffic study and then described the results. He testified on vehicles turning onto Route 9 and said everything was done in accordance with the requirements of NJDOT, they have conceptual approval and their access permit is pending. He also testified on the peak traffic counts, the level of service provided and the access to and from the site. He said the location of the driveway was agreed to by the applicant and the DOT and it was designed to permit a WB-50 tractor trailer to enter and exit the site. He also described the circulation of the site saying trucks enter, circulate in a counterclockwise direction to the rear of the building and exit on Route 9. Since they don’t have any tenants yet, they will look at loading requirements and hours of operation for final approval.
Chairman Nash asked if either Mr. Rea or Mr. Stevens have met with the Fire Chief for Adelphia Fire Company and both responded that they have not but if a meeting is required they will do so and have their comments addressed for final.

Mr. Huszar was concerned with turning onto Wyckoff Road and not knowing if someone was signaling to go into the shopping center or just for turning onto Wyckoff. Mr. Rea said that is why the DOT wants the driveway in that location and they would not let them have the second driveway.

Chairman Nash opened the hearing up for members of the public to ask questions of Mr. Rea and the following appeared:

Jerry Dixel, 62a Piazza Vittoria, who said that you can’t make a left turn at Wyckoff and Strickland Road. Mr. Rea said he looked at that intersection and the traffic in the area numerous times. He also said Strickland Road appears clear on every cycle and he has been doing traffic for 35 years in Monmouth County.

Barbara Dixel, 62a Piazza Vittoria, who said that the HOA’s traffic engineer had her call every Fire Company in the area to see what size fire trucks they have and the wheel base of each. She further stated that fire trucks can’t get onto this site. Mr. Wouters commented that he was not aware of that and disagreed with her statement. Mr. Rea said that Mr. Stevens is meeting with the Fire Chief and will do whatever is required.

Chairman Nash asked Mr. Stevens to run auto turn to show the largest vehicle that can circulate throughout the site after he meets with the Fire Chief and Mr. Stevens agreed. Mr. Nicastro mentioned that the fire company responding would be Adelphia with Freewood Acres assisting and he thinks they built a smaller truck when Surrey Downs was built.

Reeve Apgar, 18 Zacatin Road, asked about the size of the parking spaces and how many were being provided.

Chairman Nash closed the public portion for questions, but opened it for public comment on the application and the following appeared:

Diane Galante, 146c Parkway Drive, had questions on the berms and lighting. She would like to see a higher berm, taller plantings and dimmer lights. The Chairman informed her that the Board has asked the applicant to look at these issues and the applicant agreed to work with the Board.

Roy Coon, 150B Rue De La Harne, had concerns about the height of the fence. He said he was told it was 10’ high and tonight he heard 6’ high. He is also concerned about rats and noise from the fast food restaurant.

Barbara Dixel, 62a Piazza Vittoria, asked if they would provide covered garbage receptacles with fencing and landscaping. She then read her letter to Mr. Dube regarding the access to the site.

Seeing no other members of the public wishing to comment on this application, Chairman Nash closed the public portion of the hearing.
Mr. Wouters thanked the Board and reminded them that they were seeking Preliminary Major Site Plan and Woodlands Management approval.

Mr. Cucchiaro reminded the Board that the only waiver relief they are seeking tonight is to pay into the tree fund for Woodlands Management and the others will be addressed at final.

Mr. Nicastro made a motion to grant Preliminary Major Site Plan approval to SL Homes Inc. Motion was seconded by Chief Kudrick and carried with Mr. Huszar, Chief Kudrick, Mr. Nicastro, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting in favor of the motion. Mr. Dorato voted against the motion.

MASTER PLAN UPDATE: There was no Master Plan meeting last month so Mr. Tannenhaus had nothing to report.

Mr. Nicastro made a motion to adjourn the meeting. Motion was seconded by Mr. Tannenhaus

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Eileen Rubano
Recording Secretary

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