The zoning board meeting for May 20, 2019 was held at Howell Township Middle School South and started at 7:00 p.m.

Chairman Wendell Nanson called the meeting to order and the Administrative Officer read the opening statement. She also informed the public that this was the only location available for tonight’s hearing.

ROLL CALL: The roll call showed the following members present: Matthew Hughes, Herbert Massa, Richard Mertens, Thomas O’Donnell, Jose Orozco, Michael Sanclimenti, Paul Sayah, James Moretti Jr. and Wendell Nanson.

Also in attendance were Ronald Troppoli, Board Attorney, Charles Cunliffe, Board Engineer, Jack Mallon, Board Engineer, Jennifer Beahm, Board Planner, Matthew Howard, Director of Land Use and Eileen Rubano, Board Secretary

PLEDGE OF ALLEGIANCE:

SWEARING IN OF BOARD PROFESSIONALS: Charles Cunliffe, Jack Mallon, Jennifer Beahm, and Matthew Howard were sworn in by Board Attorney Troppoli.

APPROVAL OF MINUTES: There were no minutes to approve.

VOUCHERS: There were no vouchers to approve.

CORRESPONDENCE: There was no correspondence.

RESOLUTIONS: There were no resolutions to memorialize.

APPLICATIONS BEFORE THE BOARD:

a. Case No. BA18-06 / L and L Paving Co., Inc.

Michael Butler, Attorney for the Applicant, and John Paul Doyle, Attorney for the Objector, both made an appearance.

Mr. Troppoli addressed members of the public and said this was for public comment only, there would be no questions. He asked them to listen and not be repetitive. We all know that some are for the application and some are against. Mr. Troppoli also informed the public that they would have to be sworn in and give their name and address.

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

Donald Noll, 120 Brown Road, said he was opposed to the application.

John Doherty, 25 E. Grimaldi Drive, said he was the chairman of the Equestra Civic Committee and he had a signed petition that most of the residents oppose this application.

William Bahr, Yellowbrook Road, commented that L and L took over a rundown concrete plant and made it a show place. He said all the trucks are parked perfectly at night and the place is well kept. He was in favor of the application.
Abraham Chasnoff, 20 W. Baccio Lane, made comments about the ordinance and another application that was denied by the board and he was not in favor of this application.

Adam Seyhan, 22 E. Milan Blvd, spoke about his concerns with asphalt and petroleum products being a carcinogen. He also stated that Equestra can’t co-exist with this plant and his vote was no.

Les Spindel, 46 W. Da Vinci, was concerned with night time noise and was against the application.

Greg Gallo, 15 Carrie Drive, said he is opposed to the project even though it has zero impact on him but it impacts the community with the trucks destroying the roads.

Sal Galante, 17 W. Campania Rd., was concerned with the condition of the roads, the heavy truck traffic and wondered how many people would have purchased their homes in Equestra if this was here, so he was not in favor of the application.

Jorge Pardes, 20 E. Francesa, is a practicing physician so he gave his medical point of view and was not in favor of the application.

Brendan Judge, Connell Foley, Attorney for George Harms, 62 Yellowbrook Rd, said he listened to all the testimony and the use is substantially similar to the prior use of the property and other uses in the zone. He stated that granting this will not harm zoning, is not harmful to health and his client, George Harms encourages the applicant to convince the township and DOT to improve the intersection. He was in favor of granting the use variance.

Joanne Monroe, 27 E. Sagamore Drive, spoke about negative impacts of air pollution, traffic and noise at night and was against the application.

Walter Mazur, 176 W. Renaissance Blvd., spoke on the applicant’s business plan and the objector’s witnesses pointing out errors. He said an independent third party should check this out and he was against the application.

The Board took a recess from 7:55 p.m. – 8:12 p.m. and then the following members of the public came forward to comment on the application:

Ralph Citarella, 1039 Maxim Southard Road, spoke about all the hysteria and flyers that were distributed about health concerns and truck traffic. He said he is in favor of the application as the applicants are looking to install a state of the art facility 400 feet away from an outdated site that no one seems to care about.

Carmen Corcione, 7 E. Corsica, was against the application and said the board wasn’t voting for an approved business they were voting for a variance for a prohibited use. The residents pay taxes and you represent us not L and L.

Scott Madreperla, 4 E. Raphael, said that a good number of people from Equestra are worried or concerned about health issues and quality of life and the board should not allow it.

Yvonne Lorenzo, 72 E. Milan, said that two people spoke for this application but what are the benefits. She said the Board should listen to the people who pay a big bulk of the taxes and they did their research. She was not in favor of the application.
Susan Callahan, 28 W. Chaucer, said she moved here from New York so she could sit out and breathe in the fresh air now she is concerned about the health of the residents of Equestra who are mostly seniors and she was not in favor of the application.

Lucinda Monica, 40 W. Da Vinci, was concerned about the environment, safety and accidents especially at the intersection of Yellowbrook and 33 which is a very bad, dangerous intersection. She was also afraid of the trucks adding to the traffic. She was not in favor of the application.

Rich Nocerino, 100 E. Bosworth, said he was insulted as he attended every single meeting for a year and half and listened patiently to have a voice. He spoke about the traffic report and how long it takes a truck to get up to speed and the noise when the trucks are idling and they have to listen to that. He urged the board to vote against this application.

Bob Giummo, 15 E. Chatsworth, said the board deserved respect for making hard decisions but this is a prohibited plant. We ask you to respect us, there is no reason to build this; the traffic is horrible and a traffic light would be a mess. He was not in favor of the application.

Adelaide Sangiorgi, 123 W. Renaissance Blvd, spoke about the requirements for the SED zone, traffic, road congestion, catastrophic health problems and property values as tax assessments will decrease. She was not in favor of the application.

Rich Hankins, 24 E. Milan, said he doesn’t believe the applicant put in any evidence that shows how their intended use will impact the quality of life for the residents. This application brings no common good and this will decrease the quality of life. The applicants think they will make a bundle of money but there are consequences if approved so please disapprove.

Steve Scoppettuolo, 24 E. Grimaldi, said that asking for a variance is a way around the ordinance. This variance will affect hundreds of residents and we are under no obligation to approve this. He said it is a difficult decision but how do you approve something that is a problem down the road. The residents look to this board to do what is right. Approving the variance will be going against the law and an egregious act to the homeowners. The traffic calls for a traffic light which will only benefit L and L and slow everyone else down. He was not in favor of the application.

Dr. Mike Monica, 40 W. Da Vinci, spoke on the traffic that will be created if this application is approved. He was not in favor of the application.

Rich Brugger, 183 W. Renaissance, asked what changed as the board denied a small scale concrete block plant in the same area and he urged the board to listen to facts with an open mind. He was against the application.

Sue Ellsweig, 12 W. Da Vinci Way, wondered why this is being dragged on so long and the health and well-being of people will be impacted so why would people move to town. She was against the application.

Peter Corcoran, 6 W. Bonicelli Ct, spoke about the Girl Scout Camp and the run off into Yellowbrook Stream to the Girl Scout pond where they fish. He said the fish will be toxic and that water goes to the Manasquan River and eventually to the ocean and our beaches. This goes well beyond our borders. He is concerned about the traffic, air pollution and noise. He even made a comment that the planner agreed with the applicant’s planner and
it was not appropriate for her to say that at that time. He was definitely against the application.

Tom Baehny, 11 Yellowbrook Road, spoke on the changes to the area in the 60 years he has lived on Yellowbrook. He talked about the noise, truck traffic and this is the wrong location for a business like this. He would like his quality of life back, but the problem is the township did this and the township should correct the problem. He said no to L and L.

David Shurts, 149 Yellowbrook Road, said he has attended nearly all the meetings and he applauds the board’s patience. He lives on Yellowbrook and there are a lot of industrial uses, truck traffic and noise but he has grown accustomed to it. He said he knew the nature of the road before he moved there and it has always been industrial. He enjoys every aspect except high density housing. L and L is bringing a decrepit property into the 21st century. They have made many improvements especially with the drainage, they have rehabilitated a building and they are making a sincere effort to be neighborly. The traffic problems don’t stop at Route 33 and Yellowbrook. The route 33 and 34 circle is cumbersome especially for truck traffic and Cranberry Rod is not preferable due to the residential homes. Yellowbrook and CR 524 also have drawbacks as it is an acute angle and un-signalized and none of this is attributable to the applicant but some has been exacerbated by more residential development. He said he supports this application.

Tom Hayes, 9 Yellowbrook Road, spoke about the traffic study and said Yellowbrook Road was never set up for this application and he hopes the board denies it. This was once an agricultural road and now it is multi-zoned. He thinks Howell Township approved too many businesses on this road. He said they should reject and stick to the Master Plan.

Matthew Encarnacion, 2 Morello Court, thanked whoever sent out the flyers objecting to this application. He is a father of three and is concerned about health issues.

Sandra Solly, 242 Birdsall Road, spoke about the high taxes in town and we should welcome businesses and ratables. She lives on a road with a gun club, race track and airport and you can’t stop traffic. She thinks the competitor doesn’t want this but the board should approve it and an increase in traffic is not a reason to deny.

Iris Higgins, CEO, Girl Scouts of New Jersey, said she watched the meeting videos and she appreciates everyone’s concerns about the Girl Scout Camp but she was here to clarify their information and concerns. She said the applicant has addressed the drainage and is very supportive of the Girl Scouts.

Alan Kurre, 974 Route 33, said he has owned a business in Howell for over fifteen years and he is in favor of the application. He stated that the people of Equestra knew what the area was about and the applicant took a dilapidated property and fixed it up. It has looked horrible for the last ten years and they are even converting 15 acres to green space.

Joe Vassallo, 18 W. Campania, said he has some experience in traffic control and he can tweak any data to make it work.

Jody Carlucci, 139 Ford Road, said she would like to be a voice for the Township. She lives on the other side of Route 9 behind Walmart and many days she can smell the Nestle plant in Freehold so she doesn’t want people receiving toxicity and smelling this plant. She was also concerned about the infrastructure, the roads and taxes going up.
Jerry Gorman, 19 Russet Lane, Farmingdale, said he doesn’t want to see an increase in truck traffic coming through the town of Farmingdale as the kids walk to school and he is worried about their safety.

Seeing no other members of the public wishing to make comments, the Chairman closed the public portion of the hearing.

The Board took a short recess from 9:10 p.m. to 9:24 p.m.

Mr. Troppoli made an announcement that the public portion has closed and we will begin summations with Mr. Doyle and then Mr. Butler. He asked the members of the public to refrain from clapping or shouting out as this is quasi-legal and we need to have a record of the proceedings.

Mr. Doyle made his closing arguments saying that this case has an applicant, L and L Paving, but this is not about them. It is about land use and what is permitted. It is not about Stavola or the big guy against the little guy. He said the fact that they cleaned up the site is not a reason to approve. The concrete plant is not existing or operating and even if it wasn’t for Stavola there are significant objections and objectors. The property is zoned SED with 24 parcels in the zone. Five of them take up 11% of the acreage, five are vacant. We are burdened by this new use because it is prohibited and its size will bring an increase in trucks, noise and odors. Ten of the parcels take up 57% of the land and are permitted uses so they have the right to suggest that every use or new use should be a permitted use. You can apply for a variance but you don’t have to say yes. There are five residential properties which are not permitted in the zone, three pre-existing, nonconforming uses and those were the three that were mentioned by Mr. Nicastro and the three relied on by Ms. Cofone. L and L is an outsized or third largest property with the most frontage in the area. It really is the heart of the zone. It is not allowed and there are a number of facts that this will have a substantial detriment to the zone plan, public good and zoning ordinance. They have placed testimony on the record on how big this is with six silos. It is a big asphalt plant with big consequences. The capacity could be any number which is speculative but there are two numbers that are not. Zero if not approved and 100% if approved. Mr. Redealli testified that he didn’t know how much material and he took a guess. When Mr. Chasnoff asked him if he knew the capacity of the plant before he purchased it he said yes. Mr. Chasnoff also asked why he bought something five times larger than his business plan and Mr. Redealli said it was the right size, production wise for us. He also spoke about the user demand numbers, traffic and production capacity which will add thousands of trucks. Mr. Doyle also mentioned the recycled asphalt product (RAP) and where they will place that. When Mr. Redealli was asked about the odor he said after two years you get used to it. He also said he will have the trucks use Yellowbrook Road and use strobe lights instead of backup alarms. These are band aids and they may work but not all the time. Use an ounce of prevention and just say no. Mr. Doyle also spoke on the ordinance that the Council passed in 2017 prohibiting asphalt manufacturing.

Mr. Butler started his closing arguments by thanking the board for their patience and attentiveness. He gave a short history of L and L, how they began and grew to what they are today. He said this property is a diamond in the rough. It is a 35 acre industrial site. He client, L and L, would like to continue the industrial use and make the property look like a park. The site will be beautiful with trees, grass and berms. They have already made significant improvements which have helped with the runoff in the area. The
converting of 13 acres of impervious surfaces to pervious will also help with the drainage problems in this area. They are seeking a use variance, height variance for the silos, and other associated variances and waivers. It is a perfect site, particularly suited for this use. It is an established industrial neighborhood with an existing concrete manufacturing facility on it where concrete was manufactured outside as well. The site has ready access to highway and rail and meets the requirements of the SED zone. Mr. Doyle’s planner harped on not having rail and highway nearby. Rail is there and it meets the purposes of the SED zone. Ms. Cofone testified that the site is particularly suited for this use and advances the purposes of zoning, citing G, M and H. Mr. Doyle spoke about a case in North Brunswick that had to do with the variance changing the character of the neighborhood. This does not change the character of this neighborhood. It is industrial and has been for over fifty years. There are no true negative impacts as there are no more negative impacts from this site than from any other permitted use in the zone. As to the noise from the site, they will not manufacture after 10 p.m. and they changed the circulation route, added berms and a sound wall. The applicant’s experts have shown that the traffic associated with this application will be less than permitted uses in the zone. The traffic problems at the intersection of Route 33 and Yellowbrook Road are existing conditions. The applicant is willing to pay his fair share for a traffic light at this intersection which is failing now. The facility they are proposing is state of the art, quiet and it is so clean it could run in any state in the United States and this was not countered by Stavola. They will be landscaping the site which will reduce runoff and the trucks will not use Cranberry Road and will not queue on Yellowbrook Road. He said this plant was chosen to have different mixes stored in the six silos depending on the orders received and they would try to use as much RAP as possible which slows down capacity. Mr. Butler also commented on the storage area for the RAP and if the height capacity is reached they wouldn’t accept any additional RAP. When he spoke about the height of the silos, Mr. Butler said this isn’t the first property with silos and there are currently two on the property. They also won’t have the highest silos as the water tower on NJ American Water’s property is 140’ high. The silos won’t be seen so it does not change the skyline or impact the zone plan. Stavola’s experts never spoke to the applicant about his business plan, never went to the property to check impervious coverage, they took their calculations from an aerial photo. Mr. Butler said L and L has provided proofs and if you weigh everything, this is the perfect site for this use which is why you have the right to grant this use variance.

Mr. Sanclimenti put significant findings of facts on the record and made a motion to approve the application of L and L Paving with the conditions that they have a berm and landscaping, no more than six silos, bituminous concrete production will stop at 9:00 p.m. instead of 10:00 p.m., no truck idling on site, the truck waiting area will be all concrete, no audible backups at night, no queuing on Yellowbrook Road and no trucks using Cranberry Road. He also asked the applicant to police his trucks and make sure they follow what he mentioned in his approval.

Mr. O’Donnell seconded the motion and said the Board doesn’t take taxes or competition into consideration.

The Board took a short break due to public disruption.
After the break Mr. O’Donnell continued his findings of facts to support his second of the motion to approve. He said that 300 people came out as led by the competitor but 50,000 residents did not come out. This application has been going on for a few years and they were granted due process by the MLUL. Their application was deemed complete by the planning board in April of 2017 before the planning board or the council made any changes to the ordinance. In July 2017 the Council passed the new ordinance. On May 1, 2018 Matt Cherney, Traffic Safety Coordinator, commented that Yellowbrook Road is the appropriate road to gain access to Highway 33. He also mentioned a traffic signal for that intersection and Mr. Cherney concluded that he looked forward to the project moving forward. The Board heard testimony from Ms. Cofone a planner for over 20 years and also an instructor on the MLUL and she found the site particularly suited for this use. The immediate neighbor to the south is a manufacturer of concrete pavers, across the street is a concrete plant, George Harms Construction and Stavola’s asphalt plant. He also mentioned the height of the silos and the site improvements already done on the site which has improved drainage in the area. Mr. O’Donnell said that L and L was looking to build a state of the art facility and if they can process up to 50% of old asphalt that will be a huge benefit to the environment. He said this was not a difficult case but it was made difficult by one objector who owns an asphalt plant that isn’t open or running.

After Mr. Sanclimenti’s motion and Mr. O’Donnell’s second, Mr. Hughes, Mr. O’Donnell, Mr. Orozco, Mr. Sanclimenti and Chairman Nanson voted to approve the application of L and L citing their own findings of fact. Mr. Massa and Mr. Mertens voted against the motion.

Mr. Sayah made a motion to adjourn. Motion was seconded by Mr. Moretti and the meeting adjourned at 11:22 p.m.

Respectfully submitted,
Eileen Rubano, Recording Secretary

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