

**HOWELL TOWNSHIP PLANNING BOARD
REGULAR MEETING**

**1
SEPTEMBER 7, 2023**

The meeting was called to order by Chairman Paul Boisvert and the opening statement was read by the Board Secretary.

ROLL CALL: Showed the following members were present: Joseph Cristiano, Brian Greenfield, Nicholas Huszar, John Leggio, Robert Seaman, Councilman Fred Gasior, Christopher Mercer, and Chairman Paul Boisvert. Brian Tannenhause was absent and Jackie Pike was late, arriving at 7:43.

Also in attendance were Ron Cucchiaro, Board Attorney, Laura Neumann, Board Engineer, Jennifer Beahm, Board Planner, Shari Spero, Board Licensed Tree Expert and Eileen Rubano, Board Secretary.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: Councilman Gasior made a motion to approve the minutes of the regular meeting of June 1, 2023. Motion was seconded by Mr. Leggio and carried with Mr. Greenfield, Mr. Leggio, Mr. Seaman, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting to approve.

Mr. Leggio made a motion to approve the minutes of the regular meeting of June 15, 2023. Motion was seconded by Mr. Seaman and carried with Mr. Greenfield, Mr. Huszar, Mr. Leggio, Mr. Seaman, Mr. Mercer and Chairman Boisvert voting to approve.

Mr. Huszar made a motion to approve the minutes of the regular meeting of July 20, 2023. Motion was seconded by Mr. Seaman and carried with Mr. Huszar, Mr. Leggio, Mr. Seaman, Mr. Mercer and Chairman Boisvert voting to approve.

Mr. Cristiano made a motion to approve the minutes of the regular meeting of August 3, 2023. Motion was seconded by Councilman Gasior and carried with Mr. Cristiano, Mr. Greenfield and Councilman Gasior voting to approve the minutes.

VOUCHERS: None

CORRESPONDENCE: The Board Secretary said she had a letter from Robert Simon, Attorney for Case No. SP-1105, AAVRHW Property LLC – Victory, asking to be carried to the October 5, 2023 meeting with no further notice. Board Attorney Cucchiaro made the announcement for members of the public.

She also had an email from Michael Herbert, Attorney for Case SD-2998, Wadsworth Development LLC – Ramtown Estates saying that their plans were not ready and he asked the Board to carry the application to the October 19, 2023 meeting with no further notice. Board Attorney Cucchiaro made the announcement for the members of the public that the application would be carried.

RESOLUTIONS: There were no resolutions to memorialize.

SUBMISSION WAIVERS BEFORE THE BOARD:

a. Case No. SP-1046A / Bank of America (C/O CBRE)

Thomas Letizia, Attorney for the Applicant, appeared and said they were seeking submission waivers. Ms. Neumann, Board Engineer, was sworn and testified that the waivers are listed in her review letter dated 7-19-23 and although the waivers span several pages the scope of the project is limited to lighting so she took no exception to the granting of the waivers for the purposes of deeming the application complete.

Mr. Cristiano made a motion to grant the submission waivers. Motion was seconded by Mr. Greenfield and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Leggio, Mr. Seaman, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting for the motion.

b. Case No. SP-1115 / JABE Howell, LLC

Michael Butler, Attorney for the Applicant, appeared and requested submission waivers. Once again Ms. Neumann was sworn and testified that the waivers were listed in Item 3 of her 7-14-23 review letter. She said the applicant should be required to submit items 10 – Monmouth County Planning Board Application, item 11 - Freehold Soils, item 16 - Traffic Report or narrative and item 60 - 2000 foot downstream analysis. Mr. Butler had no objection to submitting these items. Ms. Neumann said she took exception to the granting of the remaining waivers for the purposes of deeming the application complete.

Mr. Cristiano made a motion to grant the submission waivers with the exception of the items Ms. Neumann outlined. Motion was seconded by Mr. Greenfield and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Leggio, Mr. Seaman, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting to approve the waivers.

c. Case No. SD-3010 / Samuel Neiger

Peter Klouser, Attorney for the Applicant, appeared and requested submission waivers. Ms. Neumann was sworn and testified that the waivers were listed in Item 3 of her 8-18-23 review letter. She took no exception to the granting of the waivers for this application as it is for a minor subdivision and checklist item 17 would have to be provided upon approval.

Mr. Leggio made a motion to grant the submission waivers to Samuel Neiger. Motion was seconded by Mr. Huszar and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Leggio, Mr. Seaman, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting to approve the waivers.

APPLICATIONS BEFORE THE BOARD:

a. Case No. SD-3007 / Avet Brothers Inc.

Todd Cohen, Attorney for the Applicant, appeared and said he had two witnesses. He gave a brief

history of the site, including current improvements. He also gave the approval history to the Board saying there was a 2 lot minor subdivision approved but never perfected and in 2010 there is an Interpretation from the Zoning Board approving the garage apartment as a valid pre-existing non-conforming use and that no use variance would be required as it was in existence for 20 years. He said they are seeking minor subdivision approval for 3 lots, 1.6 acres in size, they would keep the single family dwelling on site and eliminate the garage apartment.

John Ploskonka, PE, was duly sworn, put his credentials on the record and was accepted as an expert. Mr. Ploskonka testified that they are seeking approval to separate the 5 acre parcel into three lots, all 1.67 acres in size.

Ms. Beahm, Board Planner, asked Mr. Ploskonka what zone the property was in and when he responded that they were in the ARE-2 zone, Ms. Beahm said that was correct and they minimum lot size for that zone is two acres per lot. She also said that if the Board approved the application they would be creating three (3) undersized lots. Mr. Ploskonka said they were seeking three lots due to the location of the existing home which they would like to keep. Ms. Beahm said they could demolish the existing home and create two conforming lots.

Mr. Ploskonka testified that it was important to keep the existing home and all the homes on the lots would be two times the front yard setback required for the zone. He also said they could meet the lot coverage with a revised drawing but he hadn't submitted that to the Board. Based on his revised drawing they were no longer seeking the variance for lot coverage. Ms. Beahm had a problem with that since the review letters were issued in March and he had plenty of time to submit the revised drawing.

Mr. Ploskonka further testified that he met with the Licensed Tree Expert, Ms. Spero, on site for the tree removal and they would be putting in curbs, sidewalks and street trees. They would file the subdivision by plat and would time the removal of any improvement prior to the filing of the maps.

Board Engineer, Laura Neumann, said that this would constitute a major development for stormwater regulations and a homeowner cannot take on that responsibility. Ms. Neumann said the DEP requires a Homeowners Association and she has concerns when it isn't developed by a developer. She asked Mr. Ploskonka what the mechanism is and when would it be created. She also said the maintenance manual needs to be recorded.

Mr. Ploskonka said there would be dry wells for each house for the roofs only and the water along the walkway would go south to the Toll Brothers inlet. Ms. Neumann also commented that he had her report since May and she hasn't seen any stormwater plans and it is a major development.

Mr. Ploskonka also testified that the sheds on site would be removed, not relocated, and he agreed to comply with all technical comments in the review letters.

James Higgins, PP, was duly sworn, put his credentials on the record and was accepted as an expert. Mr. Higgins put planning testimony on the record for the granting of the variances. He said there is a viable existing residence on the site and all the lots would be oversized for the character of the area.

**HOWELL TOWNSHIP PLANNING BOARD
REGULAR MEETING**

4

SEPTEMBER 7, 2023

He used an exhibit to show that there are 32 residential lots within a 500 foot radius and while 24 of them are less than 1 acre in size, all 32 are substantially smaller than the applicant's proposed lot size and this site would be out of character if there were only 2 lots created. Mr. Higgins said this plan is far superior than leaving the site as is or only creating two lots.

There was some discussion on the creation of the smaller lots in the surrounding area and the Board Attorney explained that the ordinance provides clustering and there is a public benefit conferred with the open space lot that is part of the cluster subdivision.

Mr. Higgins also put positive and negative criteria on the record and said there is no substantial detriment to the creation of the three lots.

Ms. Beahm said she doesn't agree with the testimony and doesn't think it is justified as creating more than two lots is bad planning.

Chairman Boisvert opened the hearing up for members of the public but since no one appeared, the public portion of the hearing was closed.

Ms. Beahm said the applicant is seeking variances for the creation of undersized lots and if the Board wants to approve then the lot coverage is an issue as they are no longer seeking that variance and the Board would need more information. If they aren't looking to approve then everything else is a non-issue.

Mr. Cohen gave a summation to the Board and said that regardless of how the one acres lots were created around his client's property, they do exist so there is no detriment to surrounding properties. His client is willing to get rid of a non-conformity in exchange for the minor variances and you should keep existing homes if possible. The benefits of the application outweigh the detriments and there are no negative detriments to the surrounding area.

Mr. Cristiano made a motion to deny the minor subdivision application for Avet Brothers. Motion was seconded by Councilman Gasior and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Leggio, Mr. Seaman, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting to deny.

b. Case No. SP-1107 / NJ Ruckle Realty, LLC

W. Lane Miller, Attorney for the Applicant, appeared and said this was a site plan application to construct an addition to an existing warehouse/manufacturing facility.

Giovanni "John" Manillo, PE, was sworn in gave his credentials to the Board and was accepted as an expert. Mr. Manillo testified on the location of the project and said they have frontage on Routes 33 and 34, Ellis and Tinton Falls Road but no access from any of them. They also have frontage on Ruckle Avenue with access. He also testified on the zone, surrounding uses and zones, and the existing features of the site. They have isolated wetlands with an LOI from the DEP and their application for a GP6 permit to fill in isolated wetlands is pending. They are also proposing to convert from a septic and well to a sewer system and public water.

**HOWELL TOWNSHIP PLANNING BOARD
REGULAR MEETING**

5

SEPTEMBER 7, 2023

Mr. Manillo then testified on the proposed improvements which include a new 137,925 sf building with 18 loading bays, 2 drive in doors, 4,000 sf of office space, 61,000 manufacturing and 73,000 warehouse. They are also proposing a new driveway off Tinton Falls Road which will be for truck access only. The Ruckle Avenue access will be for passenger vehicles only and will be signed as such. They also want to change the address of the facility from 10 Ruckle Avenue to 2 Tinton Falls Road. Mr. Manillo said that 193 parking spaces are required and they are proposing 193 spaces with no EV credits. Mr. Manillo further testified that they are proposing a small pump house for fire suppression, which may need a variance as it will be a structure in the front yard. He also spoke about the new refuse area for the existing trash compactor, walking trail and picnic and patio area for the employees.

Mr. Manillo testified on the stormwater management that is proposed for the site which will include several bio-retention basins for water quality and one large basin for quantity. The roof will recharge in-ground to the infiltration system and they comply with all stormwater management regulations.

They are also proposing one building mounted sign and one freestanding sign both of which will comply with the ordinance. Mr. Manillo also testified that they need design waivers for the parking lot light levels, driveway width and curb ramps. He said they will replant as many trees as possible but would also like to be able to make a contribution in lieu of planting. They would also like to pay a contribution into the sidewalk fund and not have to put sidewalks along Tinton Falls Road.

There was some discussion about the buffers and the existing vegetation and Ms. Beahm said he needs bollards for the parking spaces along the building and Mr. Manillo agreed to provide them.

Ms. Neumann asked about outdoor storage and Mr. Manillo said there were two trailers used for trade shows which are stored on the north side closest to Routes 33 & 34 in the front yard so they need a variance. The security gate and fence will be removed and he agreed to comply with all technical comments in the Board Engineer's review letter.

John Merola, Principal of NJ Ruckle/Merola Tile was duly sworn and gave a history of the site and their operations. He said there are no hazardous materials on site and he will provide the RAO for the Phase I that was done on the site. He also said there were monitoring wells on the site that were slowly abandoned and the LSRP said they are good to go. Mr. Merola also testified on the number of deliveries to the site and the hours of operation which are 7:00 a.m. to 7:00 p.m. with staff working 8-5 and they are closed Saturday and Sunday. They anticipate between 125 to 150 employees and 20 tractor trailer deliveries per day with a max of 30 in a best case scenario. He also said that if their application is approved all commercial traffic will be on Tinton Falls Road and he wants to make it so they make left turns only out of the site.

Matthew Seckler, Traffic Expert with Stonefield Engineering was duly sworn, gave his credentials to the Board and was accepted as an expert. He testified on the Traffic Impact Study, traffic counts, site circulation and parking. He believes that it is easier to restrict trucks when they are leaving the site than when they are coming in as you can force them to go a certain way when they leave. He said a pork chop island at the exit would require the entrance to be wider and would also lessen the buffer area near the residential properties. He was willing to work with the Board Professionals on the traffic restrictions. It was his professional opinion that there is no increase in delays on the roadways and the parking and circulation will operate efficiently and effectively.

**HOWELL TOWNSHIP PLANNING BOARD
REGULAR MEETING**

6

SEPTEMBER 7, 2023

John Mc Donough, Planner, was duly sworn, gave his credentials to the Board and was accepted as an expert witness. He put the planning testimony on the record for the bulk variances required with the application. It was his opinion that the relief requested allows the overall site plan to operate safe and efficiently and the statutory criteria for the relief is met and approval is warranted.

Ms. Beahm asked Mr. Manillo if he would be willing to work with her office on the architecture of the building to be closer to compliance with the ordinance and he agreed.

Chairman Boisvert opened the hearing up to members of the public but no one appeared and the public portion was subsequently closed.

Mr. Miller respectfully requested that the Board approve the application as it is mostly conforming and they are looking to improve the property and being good neighbors.

Mr. Leggio made a motion to approve the application for NJ Ruckle. Motion was seconded by Councilman Gasior and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Leggio, Mr. Seaman, Councilman Gasior, Mr. Mercer, Ms. Pike and Chairman Boisvert voting to approve the application.

MASTER PLAN STATUS REPORT: Ms. Beahm said the reexamination report is ready to be sent out to the master plan subcommittee tomorrow and should be before the Board for a public hearing in October.

Mr. Cristiano made a motion to adjourn. Motion was seconded by Mr. Seaman and carried with all members voting to adjourn.

The meeting adjourned at 9:47 p.m.

Respectfully submitted,



**Eileen Rubano
Recording Secretary**

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