

**WALL TOWNSHIP PLANNING BOARD
MINUTES – REGULAR MEETING
MUNICIPAL MEETING ROOM
APRIL 4, 2016**

Chairman Braun called to order the regular meeting of the Wall Township Planning Board at 7:30 p.m.

- **SALUTE TO FLAG**

Members Present – Chairman Braun, Capt. Brown, Mr. Clarizio, Ms. Coman, Committeeman DiRocco, Committeeman Farrell, Mr. Hall, Ms. Hearn, Vice Chairman Luttman, Alt. #2 Mr. Nolan, Attorney Jackson, Mr. Taylor, Mr. Savacool, Ms. Rose, and Ms. Arnone.

Members Absent – Alt. #1 Mr. Bednarski, Mr. Zahorsky, Ms. Coyne, and Ms. Meehan

The chairman said the meeting is being held in accordance with the Sunshine Law.

PB #1-2016 NP Wall Towne Center, LLC was carried to May 16, 2016.

Application **PB #2-2016 2649 Route 70, LLC** Block 893.06 Lot 49 2649 Route 70 to be heard.

Swear in witnesses: Jeffrey Fiore and Daniel Bush.

Mark into evidence:

A-1	Jurisdictional Packet
A-2	Major Subdivision and Preliminary & Final Site Plan- consisting of 12 sheets (full size & reduced) Prep By: Daniel Busch Dated: 12/22/15
A-3	Dimension Plan – sheet 2 of 12 Prep By: Daniel Busch Dated: 12/22/15
A-4	Tax Map Page of Site
A-5	Variance & Waiver Request Prep By: Maser Consulting Dated: 12/18/15 Revised: 2/10/16
A-6	Variance & Waiver Request Prep By: Maser Consulting Dated: 12/18/15 Revised: 2/12/16

A-7	Architectural Floor Plan & Elevations of the Learning Experience consisting of 4 sheets Prep By: LIMA Architects & James P. Cutillo Associates Dated: 6/22/12 Printed: 2/15/16
A-8	Traffic Impact Study Prep By: Nicholas Aiello, P.E, PTOE, PTP & Jeffrey Fiore, P.E. Dated: 12/23/15
A-9	Storm water Management Report Prep By: Daniel Busch, P.E. Dated: 12/18/15
A-10	CAFRA Permit Application Compliance Statement for The Learning Experience Prep By: Maser Consulting
A-11	Monmouth County Planning Board Dated: 2/8/16
A-12	Freehold Soil Dated: 2/26/16
A-13	Major Subdivision and Preliminary & Final Site Plan- consisting of 12 sheets (full size & reduced) Prep By: Daniel Busch Last Revised: 3/15/16
A-14*	Colored Site Plan overlay on top of Aerial
A-15	Major Subdivision and Preliminary & Final Site Plan- consisting of 12 sheets Prep By: Daniel Busch Revised: 3/15/16 Last Revised: 5/9/16
A-16	Storm water Testing Prep By: Matthew Church, E.I.T. Dated: 1/7/13
A-17	Storm water Management Report Prep By: Daniel Busch, P.E. Dated: 12/18/15 Last Revised: 5/2016
A-18	Operations & Maintenance Manual Prep By: Daniel Busch, P.E. Dated: 5/2016
A-19	2 nd Jurisdictional Package for Re-Noticing

PB-1	1 st Engineering Report Prep By: Ray Savacool, P.E. Dated: 4/4/16
PB-2	1 st Planning Report Prep By: Scott Taylor, P.P.

	Dated: 4/4/16
PB-3	1 st Bureau of Fire Prevention Dated: 2/19/16
PB-4	1 st Water Sewer Engineering Review Prep By: Carmella Roberts, P.E. Dated : 3/3/16
PB-5	2nd Bureau of Fire Prevention Dated: 3/30/16
PB-6	WTEAC Dated: 3/22/16
PB-7	2nd Water Sewer Engineering Review Prep By: Carmella Roberts, P.E. Dated : 3/31/16
PB-8	3rd Bureau of Fire Prevention Dated: 5/17/16
PB-9	2nd Water Sewer Engineering Review Prep By: Carmella Roberts, P.E. Dated : 5/24/16
PB-10	2nd Engineering Report Prep By: Ray Savacool, P.E. Dated: 5/24/16

Attorney Keith Henderson for the applicant.

Attorney Henderson stated that this application is actually a second application submitted for a number of reasons at the request of the Board. The history is important, this application goes back to 2012, at that point it was for the Learning Center, which is still before the Board, and a 17,000 sq. ft. medical arts building. There was an objector, the HOA of Four Seasons, and learned the problem was with the medical arts building. They entered into a settlement with them to get a developer's agreement from the municipality that would permit the westerly portion of the property to be rezoned for residential with the same sized lots that are in the Four Seasons project. This was approved by the municipality, which created 6 new residential lots and 1 commercial lot. The original agreement was based upon a concept plan this would be converted to GIS technology and would create a zoning map. That is also on the agenda for reconsideration by the Board to tweak the zone line to make it work on the ground rather than just a concept plan. He stated they are here tonight to present the case and they have two witnesses. Tonight we are seeking preliminary approval; there is a tenant for the Learning Center and they would like to move forward. The applicant would like to come back and revisit some issues. This is the only way to do this because if we put any improvements into the

residential zone, this Board would lose jurisdiction and it would have to go before the BOA.

Chairman Braun stated that the Board members are aware of the zone line issue. As the night goes on, he stated he would like to make all the people in the room aware of what occurred with the zone line change. He asked that since the applicant is looking for preliminary approval tonight, would they be able to come back before the Board on June 6, 2016. Attorney Henderson replied yes.

Mr. Fiore, traffic consultant, credentials accepted. Mr. Fiore was retained by the applicant. He stated that he reviewed prior traffic reports. He stated that they did new and updated traffic counts and since 2012 the reports were quite similar. They counted the morning and evening commuter hour at the intersection of Rt. 70 and Morning Star Rd., the ramp off of Rt. 70 South, as well as the intersection of Old Bridge Rd. and Morning Star Rd. on the eastern side of that intersection. He stated that the proposal of the new application as compared to the old application will result in a reduction of trips. He stated that the medical center generated 41 trips in the morning peak hour and 62 during the evening peak hour and the single-family homes generated 6 trips during each peak hour. Chairman Braun stated that it is a concern that the traffic count was done in December. He asked if the counts are adjusted seasonally. Mr. Fiore stated that they do not have a seasonal adjustment but looking at the intersection and looking at the past analysis, there is no failing levels of service and he would anticipate that for seasonal adjustment there would be more traffic on Rt. 70 as compared to Morning Star Rd. Ms. Hearn asked what the level of traffic is now, as of today. Mr. Fiore said it would generate 139 trips during the morning hour and 144 trips during the evening hour. That is the total amount entering and exiting the site, roughly 70 cars to the site. He stated that there is very little change in how the intersection operates.

Mr. Fiore referred to the site plan, stating there is a driveway where the existing curb cut is today and about 100' of roadway before the first intersection. There is a roadway, which runs from east to west where the 6 residential units will be located with a cul-de-sac. He stated if you continue north on the roadway, you hit the parking field for the daycare center where there are 35 parking spaces. He stated there is also a hammerhead at the end of the parking area for a turn around. He stated that the daycare will not generate any school buses. The residential area would generate school buses going from east to west along the roadway, can turn around in the cul-de-sac, and can stop along the right side of the road where the sidewalk is located. He stated that the turning radius is sufficient for a school bus in the cul-de-sac.

Chairman Braun wants to clear up some of the concerns with the trip count. He stated the trip count is for morning and evening peak hours; he wants to know about the rest of the day. Mr. Fiore does not have the trips for the rest of the day, but will find that with the

daycare center there is a more broad range of peak hours. He stated that parents tend to bring children from 6:00 a.m. and 9:00 a.m. They know how many people will be at the school so they know how many drop-offs will be occurring between those three hours. He stated that it is the same with the afternoon. Chairman Braun stated he understands that, but wants everyone to understand the significance of the reduction of trips between the old application and new application. He stated it is a reduction of 75% from the medical center to the 6 residential houses. He said this is very significant and wants everyone to understand the reduction.

Ms. Coman noted that there is room for a school bus to turn around, but asked if there is room for an emergency vehicle like a fire truck to turn around. Mr. Fiore stated that that is something they would have to look into. Chairman Braun said it is important and Attorney Henderson stated that it would be addressed at the next meeting.

Mr. Bush, professional engineer and planner, had prepared the original application in 2012 and now the new application as well. He stated that he reviewed the old file as well as the new one. He stated the property contains 6.48 acres. It was previously zoned all OP-10 and was rezoned in June of 2015 to R-7.5. As part of that there is a developer's agreement and has a zone boundary line that represents the rezoning that took place. He said that the plan before the Board has a daycare and 6 single-family homes, as well as a private road right-of-way. All of the uses are permitted. He stated that the daycare is the same daycare that was reviewed back in 2012. He said there are no buses to the daycare, everyone must be dropped off and picked up for security reasons. He noted that one comment was to add a bike rack, which will be added into the plan. He said that the hours of operation are between 6:30 a.m. and 6:30 p.m. He stated that the capacity of the facility is between 100 – 185 students. He said these facilities generally operate at about 80% capacity, roughly 150 children. He said there is a 24 people staff, which about 30% of that are part-time employees. He said there are 6 residential homes that have dual frontage, which will be on a new private road that will be constructed on the property itself. He stated there will be a 6' high fence running along Morning Star Rd. which will be supplemented with additional landscaping. He said they are eliminating the need for the variance by meeting the 20' buffer requirement with the fencing and landscaping. He stated the closest Four Seasons home to the closest home in the project is roughly 70'. The daycare and the residential will be built separately. He said the applicant will retain ownership of the daycare and the current property owner will retain property of the residential homes. Mr. Bush stated the storm water basin will be solely contained within the commercial property; the only property within the residential will be the 6 lots as well as the road itself. He said there will be an access easement through the private roadway to provide access to the rear portion of the daycare property. He said that the daycare portion will be done first so the storm water basin will be done on the property before the residential is built.

Mr. Bush then went on to discuss the signage. He said the daycare building itself will have one 35 sq. ft. sign above the doorway. It will also have a series of 8 blocks that make the columns on either side of the entrance, four on each side. We are looking for a 17 sq. ft. variance to make up for the difference for the total square footage of the sign and the columns. Those are identified and branding for the Learning Experience. He stated there are two freestanding signs, each 21 sq. ft.; they are low to ground, monument type signs. They are illuminated consistent with the ordinance. He stated that with respect to the drainage, it is an infiltration basin that will lead to the north to the existing ditch. He said it is the same design that was previously approved. He stated that the closest home in Four Seasons is about 85' from the basin.

Mr. Bush then brought up the landscaping and stated it would be discussed in more detail at the June meeting. He went on to the lighting and stated they would be cut off fixtures that would be on from dusk until one hour after closing with the exception of whatever security lighting that will be zero foot candle light at the property line. He stated that the utilities will all come from the previous structures adjacent to the site. The sanitary and port for water will come off of Morning Star and the gas and electric will come off of Rt. 70.

Ms. Hearn asked if the fence was proposed at the rear property line of the new residences. Mr. Bush stated that that is how it is shown now but it will shift onto the properties so that they can supplement and have additional landscaping on the Morning Star side of the fence. He said that the landscaping will comply with the ordinance. He stated that the fence is a board on board fence, so it is not a solid vinyl fence. Chairman Braun said that he feels they are more attractive when landscaped. He then asked why the fence would not be put on the 20' buffer line where nothing is permitted to be. Mr. Taylor said it could be placed there as well. Ms. Hearn said that she felt that would be too close to the houses. Chairman Braun stated that he feels the fence should be on that 20' line and have the landscaping on the Morning Star side of the fence. Mr. Taylor stated that he agreed with the placement of the fence. Mr. Bush stated that he would like more flexibility on where that fence can be placed. Chairman Braun stated that this would be addressed on the final approval in June. That will give time for the plans to be worked out before hand; the Board is only here tonight to create two lots, not create the property lines for the 6 residential lots.

Mr. Bush went on to talk about a series of variances that are required. He stated he is going off of Mr. Taylor's letter. He said there is a lot area variance; the daycare lot will be 4.365 acres where 10 acres is the minimum area required. He said the lot width for the daycare lot is 473' where 500' is required and the lot depth is 480' where 500' is required. There are two front yard setback variances; one for Rt. 70 where it is 53.3' where 150' is required and one for the new internal private road where there is 121' and there is 150' required. There is a variance for no dedicated loading space. There is

associated with the 75' residential buffer to the west; there is 10' between the property line and the basin. He then said the trash enclosure is located 68' from the property line that would require a variance. He stated they were going to shift the trash enclosure so it would be outside of the residential buffer so there are no structures within that buffer. He said that the basin would be the only structure within the buffer. He stated they need a variance for the signage as mentioned earlier where 67 sq. ft. of total building signage, 35 sq. ft. for building signage and eight 4 sq. ft. alphabetic signs; then there are 2 freestanding signs where one is permitted. He said there is one additional variance that is not noted which is associated with the driveway location and it's proximity to Rt. 70. There is two design waivers identified: one for the drive aisle width and one for the bicycle rack but that will go away.

Mr. Bush said that in conclusion, the applicant is proposing to develop the subject track consistent with the OP-10 and R-7.5 zoning requirements although some relief is required. He said the conditions are largely related to the existing conditions and the desire to keep the site activity separated. He stated that the relief can be sought and will not have any negative impact to the health, safety or welfare of the public.

Chairman Braun asked Mr. Taylor and Mr. Savacool if everything has been covered. Mr. Taylor asked if they could comply with the design comments to be addressed either prior to the final or as a condition of the approval to which Mr. Bush replied yes.

Chairman Braun opened the meeting to the public.

George Swander lives at 2555 Collier Rd; is a member of the Board of Trustees for the Four Seasons. He started off by saying that his main concern is Morning Star Rd.'s right-of-way. He said it is imperative that the town takes over the Morning Star portion up to the point where the people who will be using the subdivision and the other site plan for the Learning Center will be going on. This is a major concern. Chairman Braun said that is not a problem. The other concern they have is until that dedication will take place, the sewer line is under the right-of-way and we would need to have certain conditions between the Board, the Board of Trustees for the Four Seasons, and the developer on construction. Chairman Braun said he would call them appropriate cross easements. Mr. Swander said that the concern is the condition of the dedication is to be a part of the final plan. Chairman Braun stated that the Board agrees. He said he would make it apart of this preliminary approval and would make it part of the approval of the final approval in June.

Mary Beth Kelman lives on Sawyer Ave. She said that listening to the testimony there could potentially be 185 students, which means potentially 30 to 40 teachers and there are only 35 parking spaces. She would like to know where the parents will park when they come to drop off their children. Mr. Bush is clarifying by saying there is 24 maximum

staff. He said that fire code stated they could have at maximum capacity 185 students, but they operate at maximum capacity at about 80%, which would be 150 students that are dropped off over a three-hour span. He also pointed out that many people have more than one child enrolled in the school. Chairman Braun stated that there has been discussion to create additional parking for the daycare center, so there will be additional parking for the daycare center during the final process. Ms. Hearn asked if they were seeking a parking variance to which it was answered they are not.

Robert Weigner lives on Harvest Lane; is a member of the Board of Trustees for the Four Seasons. He asked for the definition of the D designation on the traffic light on Morning Star? Mr. Fiore said the level of service for each letter corresponds with the range of delay. The D level of service the range is from 35 seconds to 55 seconds. Mr. Weigner asked if that was going to change with the change in traffic. Mr. Fiore said there are video detectors there that will allow for more time for more traffic that is added to the side street to be able to exit onto Rt. 70. Mr. Weigner then asked about the school bus for the residential homes entering from Morning Star. He asked that they are not going through the community. Chairman Braun stated that they would not go through the community. Mr. Weigner lastly stated that if there was a medical center there that the traffic would be significantly more than having the residential homes.

No one else came forward so Chairman Braun closed the public portion of the meeting.

Attorney Henderson summed up by stating that they are asking for preliminary approval; there are some variances and waivers that are associated with that. He stated that the Board has heard the professional testimony and the positive and negative criteria have been met for both C1 and C2 variances. Attorney Henderson requested a vote.

Mr. Clarizio made a motion to approve **PB #2-2106 2649 Hwy Route 70, LLC** Block 893.06 Lot 49. The applicant has requested preliminary site plan approval to subdivide the site consisting of 6.63 acres located at 2649 Route 70. Approval is contingent upon compliance of Mr. Taylor's letter and Mr. Savacool's letter both dated April 4, 2016.

The following variances are approved:

- Lot area where 10 acres is required and 4.365 acres is proposed
- Lot width where 500' is required and 473' is proposed
- Lot depth where 500' is required and 480' is proposed
- Front yard setback on Route 70 where 150' is required and 121' is proposed
- Buffer to residential use, west to the basin, where 75' is required and 10' is proposed
- Buffer to the residential use, south to the basin, where 75' is required and 22' is proposed

- Buffer to the residential use, south to the parking lot, where 75' is required and 34' is proposed
- Loading space where one is required and none are proposed
- Façade sign area where 50 sq. ft. is required and 67' is proposed
- Freestanding sign where one is required and two are proposed
- Driveway within 50' of a roadway
- Front yard setback 121' proposed to the new private road where 150' is required

The following design waivers are approved for not providing a 25' minimum parking lot drive aisle as 24' is proposed.

A further condition is the expiration of dedicating a portion of Morning Side Rd. to the Township of Wall for maintenance purposes.

The applicant will provide approval or letter of no interest from the following:

- Monmouth County Planning Board
- Freehold Soil Conservation District
- Wall Township Bureau of Fire Prevention
- Wall Township Water and Sewer Department

The applicant shall provide applicable performance guarantees and inspection fees as calculated by the Board's engineer. The applicant will be required to submit any applicable mandatory development fees in relation to COA. The applicant shall also be required to obtain any other outstanding permits and approvals that will be required as well as DOT approval for the road to be constructed.

Second Committeeman Farrell.

Roll Call: Mr. Clarizio, Committeeman Farrell, Capt. Brown, Ms. Coman, Committeeman DiRocco, Mr. Hall, Ms. Hearn, Mr. Luttman, Chairman Braun.

OTHER BUSINESS

Ordinance No. 2-2016 – Motion Ms. Coman, 2nd Mr. Clarizio

Roll Call: Ms. Coman, Mr. Clarizio, Capt. Brown, Committeeman DiRocco, Committeeman Farrell, Mr. Hall, Ms. Hearn, Mr. Luttman, Chairman Braun.

Ordinance No. 4-2016 – Motion Mr. Luttman, 2nd Ms. Coman

Roll Call: Mr. Luttman, Ms. Coman, Capt. Brown, Mr. Clarizio, Committeeman DiRocco, Committeeman Farrell, Mr. Hall, Ms. Hearn, Chairman Braun.

MINUTES

2/1/16 – All in favor

RESOLUTIONS

Pat Stan – Halifax – PB #20-2015 Block 874 Lot 5.01

Motion Mr. Luttman, 2nd Ms. Coman

Roll Call: Mr. Luttman, Ms. Coman, Capt. Brown, Mr. Clarizio, Committeeman Farrell,
Mr. Hall, Chairman Braun

Fitzpatrick – PB #11-2015 Block 741 Lot 25

Motion Ms. Coman, 2nd Mr. Clarizio

Roll Call: Ms. Coman, Mr. Clarizio, Capt. Brown, Mr. Hall, Ms. Hearn, Mr. Nolan,
Chairman Braun.

There being no further business to come before the Board, a motion was made, seconded
and unanimously approved to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Lindsay Meehan
Recording Secretary