

MINUTES
HOLMDEL TOWNSHIP PLANNING BOARD

Minutes of the Regular Meeting held Tuesday, **April 5th 2022** at 7:00 p.m.
in the Courtroom in Town Hall, 4 Crawfords Corner Road, Holmdel, New Jersey

The meeting was called to order at 7:00 p.m. by Ms. DiMaso, Chairperson, who then read the following statement: *"I hereby announce, in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-10 that adequate notice and electronic notice of this meeting has been transmitted on January 7th 2022 and March 28th 2022 by the Secretary to the Asbury Park Press, Independent, The Two River Times, the Township Clerk, and has been posted on the bulletin board, on the main access door to Township Hall, and posted on the Township's website ~ www.holmdeltownship.com*

Pledge of Allegiance

Moment of Silence to Honor Military Who Have Been Wounded or Killed in Action and for the First Responders Who Keep Us Safe Every Day

Roll Call

Present: Mr. Ackerson ~ Class II
Mayor Buontempo ~ Class I
Ms. DiMaso ~ Chairperson
Mr. Emma
Dr. Gilstein ~ HEC Liaison
Mr. Kastning
Mr. King
Mr. Luccarelli ~ Class III
Ms. Ploussas
Mr. Nikolis ~ Alternate #1
Ms. O'Connor ~ Alternate #2

Absent: (none)

Also present: Mr. Pflieger, Esq., Planning Board Attorney
Ms. Keller, PP/AICP, Planning Board Planner
Mr. Mullin, PE/PP/CME/CPWM, Planning Board Engineer
Ms. Imposimato, Planning Board Secretary/Administrative Officer
Ms. Coscia, Assistant Planning Board Secretary

Motion made by Mr. Kastning, seconded by Dr. Gilstein, to take action on Items #3 and #4 prior to Items #1 and #2, inasmuch as Ms. Ploussas must recuse herself from Items #1 and #2. Motion carried on voice vote.

Memorializing Resolution

Item 3 - **BRIGHTVIEW SENIOR LIVING DEVELOPMENT, LLC - Prel/Final Major Site Plan #2021-3**
Bl 58, Lots 29 and 29.01; property consists of approximately 11.44 acres along the northbound side of Rt 35 in the TMHO-3 Zone and the RT35H Zone. Proposed is a 3-story assisted living/congregate care facility (79,000 +/- sq ft footprint) along with site improvements; 87 assisted living units (100 beds) and 92 independent/congregate care living units (115 beds); also proposed is a solar canopy (approximately 240' by 18') over the proposed parking spaces in the north parking lot along the rear of the building.

Motion made by Dr. Gilstein, seconded by Mr. Kastning, to approve the proposed resolution. Motion carried on the following roll call vote:

Affirmative: Mr. Emma
Dr. Gilstein
Mr. Kastning
Mr. King
Mr. Nicholas
Ms. O'Connor
Ms. DiMaso

Negative: (none)

Absent: (none)

Non-Participating: Mr. Ackerson
Mayor Buontempo
Mr. Luccarelli
Ms. Ploussas

Administrative Review

Item #4 - AMAZON FRESH (Commons) - Review of trademark logo sign

Ms. Keller advised that representatives from Amazon met with the Technical Review Committee on February 24th to review the applicant's proposed signage for Amazon Fresh, which is coming into the Commons shopping center. The proposed sign is proposed to be 45.2" x 209.1" and reads "Amazon Fresh" with the Amazon smile logo below. The original resolution for this shopping center prohibited logos on individual stores; therefore, relief is requested. Mr. Pflieger noted, however, that the Planning Board had previously approved a Global Change process (Retail Store Alterations Checklist), whereby an applicant could bring a signage/logo request to the Township's Technical Review Committee for approval; if the TRC approved the request, it would be brought to the Planning Board for ratification at their next meeting.

Motion made by Ms. Ploussas, seconded by Mr. Ackerson, to approve the recommendation made by the TRC. Motion carried on voice vote.

Minutes - February 15th 2022

Motion made by Mr. Kastning, seconded by Dr. Gilstein, to approve the minutes of February 15th 2022 with minor edits provided by Mr. Mullin. Motion carried on voice vote, with Messrs. Ackerson, Buontempo, and Luccarelli abstaining.

Note: At this time, Ms. Ploussas stepped down and was recused; Mr. Nikolis was then seated for Ms. Ploussas.

Completeness Waivers

Item 1 - HEAVENLY ESTATES ~ Preliminary/Final Major Subdivision #663

Proposed subdivision of two (2) existing lots (92.4 acres) into eighteen (18) residential lots, three (3) open space lots (to be dedicated to a Homeowners' Association) and one (1) large lot to remain undeveloped; property located on Newman Springs Road (Rt 520), opposite Vonage, and is within the Rural Conservation District (R-4R) Zone.

Present for this matter: Salvatore Alfieri, Esq.
Brian Murphy, PE

No conflicts noted; escrow is current and Notices are in order.

Mr. Alfieri came forward and referenced the Initial Completeness Review prepared by Robert Mullin, PE/PP/CME/CPWM of Colliers Engineering & Design dated March 28th 2022.

Ms. DiMaso stated that the Board's usual practice is to only discuss the issues where the applicant does not agree with the findings of the Planning Board professionals.

Mr. Alfieri continued by stating that the applicant is requesting four Completeness Waivers; if the Board is willing to grant the waivers at this time, the applicant will submit these items at a later time if they are deemed necessary.

Mr. Mullin reviewed the completeness waiver requests as follows:

- A-23 (Environmentally Sensitive Land Area Map) - this information is shown throughout the application but on different pages; it should also be shown on one map.
- H-7 (Location profiles and cross-sections of all water courses and drainage facilities within 300 feet of the limits of the development, including flood hazard boundaries) - The Willow Brook, classified as a Category One (C-1) stream by NJDEP, wraps around three sides of the property; as the stormwater study is being conducted, this information is something that should be submitted prior to a vote on the application.
- J-9 (Letter of Interpretation from NJDEP) - issued by DEP in 2005, expired in 2010. Updated Environmental Impact Settlement refers to an NJDEP wetlands delineation and verification dated January 9th 2015 and is usually valid for 5 years; therefore, an updated LOI should be provided.

These items can be provided during the process, but before any action is taken on the application.

Ms. Keller also noted that the applicant had requested a Completeness Waiver for the Financial Impact Report; since this is a permitted use in the zone, the Board could waive this, but reserve the right to request it during the hearing.

Mr. Alfieri asked if the LOI could be a condition of approval?

Mr. Kastning responded that he was not comfortable with granting Completeness Waivers A-23, D-3 and H-7 not being provided; and the request for an LOI might come back with some information that they might not know about. He questioned whether this plan was even viable.

Mayor Buontempo pointed out that a Stormwater Management Program is currently being undertaken by the Township; a Rutgers study is being presented at the next Township Committee meeting. We should follow the guidance that will be forthcoming from this study. He deferred to the Environmental Commission representatives seated on the Planning Board, i.e., Dr. Gilstein, HEC Liaison; and Mr. Kastning, HEC Chairperson.

Mr. Luccarelli agreed with Mr. Mullin's recommendations and feels we can waive the requested items, provided that the information is provided prior to any vote on this application. **Motion** made by Ms. DiMaso, seconded by Mr. Kastning, to grant the completeness waivers for tonight and deem the application complete, subject to information being provided prior to the next meeting, or before a vote is taken, with the exception of Item G-2 (Cross-sections and profiles of all existing and proposed streets abutting the lots and within 250 feet). Motion carried on the following roll call vote:

Affirmative: Mr. Ackerson
Mr. Emma
Dr. Gilstein
Mr. King
Mr. Luccarelli
Ms. DiMaso

Negative: Mayor Buontempo
Mr. Kastning
Mr. Nikolis

Recused: Ms. Ploussas

Non-Participating: Ms. O'Connor

At this time, the Planning Board professionals were sworn in.

Public Hearing

Item 2 - HEAVENLY ESTATES ~ Preliminary/Final Major Subdivision #663

Proposed subdivision of two (2) existing lots (92.4 acres) into eighteen (18) residential lots, three (3) open space lots (to be dedicated to a Homeowners' Association) and one (1) large lot to remain undeveloped; property located along the eastbound side of Newman Springs Road (Rt 520), opposite Vonage Technology Center, and is within the Rural Conservation District (R-4R) Zone.

Present for this matter: Salvatore Alfieri, Esq.
Brian Murphy, PE ~ FWH Associates, P.A.

Mr. Murphy, the applicant's engineer, came forward and presented his background and experience. The Board stipulated his credentials.

The following exhibits were marked into evidence:

- A-1: Aerial of the site
- A-2: Colored rendering of 17 building lots proposed, and existing house to remain

Mr. Murphy described the property/proposal as follows:

- 92.4 acres; 22 lots proposed, having access off of Rt. 520:
 - 17 lots fronting on the road coming into the property and looping around; road will line up with Vonage driveway across the street
 - 1 lot to contain the existing farmhouse, the condition of which will be evaluated; barn and other unsafe structures on this lot to be removed; the existing farmhouse meets bulk standards

- 4 open space lots (60% of the property) - to be owned by Homeowners Association
- Lots will have individual septic systems (locations shown on grading plan); public water
- Stormwater:
 - Each lot will have its own dry well and will be owned by the individual homeowners
 - 9 raingardens proposed, located on various residential lots spread throughout the site; owned by the Homeowners Association
 - Retention basin at the end of the cul de sac; to be owned by the Township
- Lot depth variance required on Lot 2.02 (first lot on the left); 250' required, 233.74' provided due to odd shape of that lot
- Waiver requested for providing sidewalks along Rt.. 520/Newmann Springs Road (County roadway); there are no sidewalks immediately to the east, and none along the commercial businesses in this area; sidewalks will be provided on one side of the street going into the development (compliant with RSIS standards)
- Waiver requested for greenway trail to be provided along the Willow Brook; DEP would not issue a permit in the past for this trail. Mr. Murphy will re-contact the DEP to see if they would now approve the trail.

Mr. Alfieri noted that the applicant is proposing to develop the property under the Green Estate House standards in Holmdel's ordinance.

Mr. Mullin recommended that there be a separate lot at the end of the cul de sac for the basin, dedicated to the Homeowners Association. Mr. Murphy stated that the applicant would agree with that and still comply with the open space requirements and stormwater management regulations.

At this time, Mr. Mullin reviewed his stormwater management report dated March 31st 2022. Maintenance of the raingardens on the residential lots will need to be the responsibility of the Homeowners Association and will be deed-restricted.

Mr. Murphy continued his testimony:

- Homes at the end of the cul de sac all have walkout basements; not uncommon with grade change and wanting to limit site disturbance.
- Wetlands LOI and flood hazard area delineated - they haven't changed over the past few years. Applicant is currently in the process of seeking DEP recertification; also needs a GP11 for the stormwater discharge out of the basin
- Intersection curb radius proposed is 25' (maximum 20' permitted); this will provide better radius for emergency vehicles and busses (not referring to the County intersection)
- Gas, electric and cable/telephone utility layouts are usually not available until development is ready for construction; but will contact utility companies
- A 300' DEP Riparian buffer is required from the stream

Ms. DiMaso noted that 5 street names were submitted, only 2 are required; they must be approved by the Post Office; she also noted that easements should be shown on the plans.

Mr. Alfieri stated that architectural plans are not yet designed. He also noted that while the septic systems are shown on the plans, they do not yet have Board of Health approval. Mr. Murphy noted that there is adequate area for a septic system on the lot with insufficient depth.

Mr. Alfieri stated that at this time, Mr. Murphy's testimony was concluded.

Ms. Keller, Board Planner then explained the unique Conservation Zoning that was previously adopted in this area. The intent was to have development with the least environmental impact; a lot of careful thought and work went into it. While fairly unique in New Jersey, the "Form Based Zoning" is used in certain areas. The applicant is proposing Green Estate Houses. While this is a single-family, residential zone, there are a lot of extra features to this zoning. Some of the criteria was codified in the ordinance, other criteria remain in the Master Plan.

Ms. Keller then asked why the roadway was moved. Mr. Murphy responded that it was moved to line up with the Vonage intersection, for safety reasons.

Ms. Keller asked that the applicant confirm that all open space on this tract meets the Township's specific definition of open space. Mr. Murphy stated that the basin is currently shown as being included in the open space calculations.

Ms. Keller then pointed out that there are specific architectural plans, building materials, lighting, etc. that are to be used in this zone. Also, the applicant should show the difference between the preservation and reservation areas.

Board Members:

1. Mr. King asked about the depth of the drywell on Lot 2.12 - there is only 1' depth of stone; is that acceptable? Mr. Murphy responded that it is not the stone, but rather the volume. Mr. Mullin also noted that is also a minimum required clearance to groundwater.
2. Mr. Luccarelli voiced concern about the depth of the lot that does not conform, and also about the walkout basements. How would the applicant know that these basements would be required without architectural plans? Mr. Murphy stated that finished floors/basement grades are shown on the plans.
3. Mayor Buontempo asked about the sidewalk ordinance requirements. Ms. Keller responded that sidewalks are required on at least one side of a County roadway; and also on one side of internal roadways.
4. Dr. Gilstein questioned the grading of 33% and 20% on Lot 1.13 - the engineer is recommending 10% but the applicant will not comply because of a walkout basement. Mr. Murphy responded that for walkout basements, he could provide a wall with a lower slope, but it is cleaner to have the grading going down to that area.
5. Mr. Kastning noted that he preferred not to have walkout basements so as not to deal with the slope issue. He then indicated that he liked Form Based Zoning and is concerned that there isn't an adequate buffer proposed along Rt. 520. These are narrow lots; why aren't the open space lots required to have the same requirements as a building lot? Perhaps to enlarge the buffer, two building lots should be taken out of the proposal. Ms. Keller noted that because of the distance, the buffer was not necessarily intended to be heavily landscaped.

6. Ms. DiMaso recalled that the goal was to have the property remain looking like a farm on Rt. 520, with the farmhouse as part of the 500' buffer in the front; it would look like a farm, remain very rural, and the houses would sit in the back.
7. Mr. Ackerson asked about the proposed setback - is it 80 feet? Ms. Keller responded that the setback on the maps align with the existing farmhouse, not the full length of the property because of the other outbuildings. The setback of the primary dwelling is proposed to remain.

Mr. Ackerson asked if the buffer counts as open space and if there would be a problem moving it back. Ms. Keller responded that it does count as open space, unless it is counted as part of the overall large lot. Moving it back would depend upon environmental conditions on the lot.

8. Mr. Kastning stated that at first he thought two lots should be taken off; now he believes they should lose four lots.
9. Mr. Emma asked why the proposal plans were changed from the prior application in 2005. Mr. Mullin responded that they didn't have any kind of wetlands approval at that time. The location of wetlands substantially impacted the original layout.

Mr. Emma asked if wetlands can change over time; if so, that would be a concern for him. Mr. Mullin stated that they can change. That's the reason we need the new Letter of Interpretation.

Mr. Keller stated that we can't predict where the wetlands lines will be in ten years, so we have to work off of today's plans.

10. Mr. Kastning noted that many farm sites used tiles to get rid of water; he is sure this lot was tiled. Will the DEP address what they know about tiling? Mr. Mullin stated that the DEP will go by what exists out there today; the history may not be relevant; we need to preserve what is there today.

Mr. Kastning stated that he suspects the green area proposed to be surrounded by roadways is formerly wetlands; there may be tiling in this location. Mr. Mullin stated that the DEP will look at soil types, water, and vegetation.

Mr. Kastning asked about the preservation area. If the Homeowners Association owned the property, could that area be leased to a farmer? Ms. Keller responded that she believes if it is a "reservation" area, yes; but if it is a "preservation" area, no. Preservation areas consist of environmentally-constrained properties and put in a conservation easement; reservation areas can be considered for a farmland easement, coordinated through the Homeowners Association.

11. Ms. DiMaso added that if it is considered farmland, it is taxed differently than a conservation easement.
12. Dr. Gilstein asked about maintenance; Ms. Keller responded that maintenance may be required in certain easement areas, but she would defer to Mr. Mullin on this issue. Ms. DiMaso noted that a landscape easement can be maintained. Nothing would be deeded to the Township to maintain except the road and the stormwater basin. Mr. Mullin noted that stormwater facilities would be maintained as well.

13. Mr. Kastning asked about the Inverness (prior) application; DEP denied the trails because they would be owned by the Homeowners Association. If property along stream was owned by municipality, then the DEP probably would allow trails. Ms. Keller stated that she believes the Homeowners Association or Township can own the trail; the DEP may have said no to private ownership but may accept public-owned trails. This must be sorted out. Mr. Alfieri asked if it would make a difference if the County owned the trail?

14. Mayor Buontempo asked if the required notices were sent to all the required addresses, including Colts Neck. Ms. Imposimato stated that all the required notices were sent out, including those in Colts Neck.

Mayor Buontempo asked if soil permeability testing was done; Mr. Mullin responded in the affirmative; a lot of soil testing was done and is contained within the engineering reports.

15. Mr. Kastning requested that our historical people should look at the barn condition and get permission to access the site; pictures of the interior seem to show that the barn is in reasonably good shape...roof isn't leaking. The barn is unique in its size and should be assessed by historical folks in the County.

16. Dr. Gilstein asked about the tenant who is leasing the farmhouse; will it be refurbished? Mr. Mullin responded that there has been an issue obtaining access to determine whether it could be brought up to code.

17. Mr. Kastning asked about the necessity to have a cul de sac bubble...why wouldn't the two lots at the end just access the road directly? Mr. Mullin stated that there were frontage and circulation issues. Ms. DiMaso stated that they might need the access for the stormwater basin, otherwise, there might be a need to have an easement over individual homeowner lots to get to the basin.

Mr. Kastning asked if the farmhouse lot was large enough to farm. It was noted that while it was not large enough for farmland assessment, it could be farmed. Ms. Keller noted that a larger farmland tract remains; however, this is a residual farmland unit; different routes could be explored. A proposed larger farmland tract remains where this is a residual farmland unit; different routes that could be explored.

Mr. Alfieri indicated that the applicant will communicate with the county regarding their position on the internal roadway alignment and other concerns. Ms. DiMaso noted that if the road was moved over, there would be an opportunity for more open space in the front of the property.

Mr. Kastning asked for access to the site; Mr. Alfieri stated that they have a tenant issue, but he asked that if someone wants to access the barn, they should contact him he will work out an arrangement.

Mr. Kastning asked if the C1 classification existed when Mr. Phillips had previously worked on our zoning. Ms. Dimaso said that she believes it came in around 2013, after Mr. Phillips had completed his earlier very hard work for the Township.

Questions - Public: (none)

Motion made by Dr. Gilstein, seconded by Mr. Kastning, to carry this matter to June 21st 2022 at 7:00 p.m. without further notice. Motion carried on voice vote.

At this time, Dr. Gilstein asked about the upcoming Open Space and Recreation Plan Elements of the Master Plan. Ms. Keller responded that the Township is currently preparing for Green Acre Funding, which should begin soon. The Planning Board may be provided with an initial overview at the meeting of June 21st, but that has not yet been finalized. Something may be forthcoming within the next week, but input is not yet being solicited. The Environmental Commission would be asked for input at some point, followed by a request for input from the Recreation Committee.

Mr. Luccarelli asked if the Planning Board could be provided with iPads to use during the board meetings and hearings, or perhaps have the plans shown on the two TV screens in the Court room. Ms. Imposimato will investigate whether or not the Board could be given the availability of additional iPads.

Planning Board Engineer's Report (none)

Planning Board Planner's Report (none)

Planning Board Attorney's Report (none)

Adjournment

Motion made by Mr. Luccarelli, seconded by Mr. Emma, to adjourn the meeting at 8:41 p.m. Motion carried on voice vote.

Respectfully submitted,

HOLMDEL TOWNSHIP PLANNING BOARD

Bonnie Imposimato
Planning Board Secretary/Administrative Officer

Minutes prepared by Bonnie Imposimato; approved at Planning Board meeting of 5/3/22.