

**TOWNSHIP OF PLUMSTED  
LAND USE BOARD MINUTES**

**September 6, 2022**

**1. FLAG SALUTE**

**2. OPEN PUBLIC MEETINGS ACT STATEMENT**

**3. ROLL CALL**

PRESENT	ABSENT	
<u>  X  </u>		Bill Fox
<u>      </u>	<u>  X  </u>	Jim Garrigan
<u>      </u>	<u>  X  </u>	James Hagelstein
<u>  X  </u>		John Neyenhouse
<u>  X  </u>		Wendy Galloway
<u>  X  </u>		Bernard Haney
<u>  X  </u>		John O'Callaghan
<u>  X  </u>		Robert O'Neill
<u>  X  </u>		Dustin Horowitz
<u>      </u>	<u>  X  </u>	Thomas Calabrese
<u>  X  </u>		Mayor Bob Bowen
<u>  X  </u>		Douglas Hallock
<u>  X  </u>		Jennifer Witham, Clerk/Secretary
<u>  X  </u>		Joseph Hirsch, Engineer
<u>  X  </u>		Kelsey McGuckin-Anthony, Attorney

**4. MINUTES TO BE CONSIDERED FOR APPROVAL:** none

**5. RESOLUTIONS:** none

**6. OLD BUSINESS:** none

**7. NEW BUSINESS: MDR DEVELOPERS, Block 46, Lot 16.01, Pinehurst Road, Cream Ridge, NJ 08514**

Jan Wouters represents MDR Developers, Inc. who has applied to the Board for Preliminary and Final Major Site Plan for a roughly ten (10) acre site in Plumsted Township, New Jersey. The site is shown on the Plumsted Township Tax Maps as Block 46, Lot 16.01 and is located within the C-5 Commercial Zoning District. The Property is located on County Route 539 and is currently undeveloped and used as farmland. No waivers or variances are being sought tonight.

The Application proposes to develop the Site with a 67,891 square foot commercial building to include office (10%, 7,204 sq. ft.) and warehouse spaces (90%, 60,489 sq. ft.). The

site improvements include off-street parking, concrete sidewalks, an infiltration basin, site lighting, landscaping and waste removal storage.

The Applicant submitted a cover Sheet, Site Plan, Grading and Drainage Plan, Utility Plan, Lighting Plan, Landscaping Plan, Construction Details, County Road Plans, Drainage Area Maps, Soil Erosion and Sediment Control Plans, Truck Turning Plan, Boundary and Topographic Survey, Floor Plan and Exterior Elevations, SD-1, prepared by Tokarski Millemann Architects, LLC dated June 24, 2021, last revised April 12, 2022, a Stormwater Management Report for MDR Developers, as prepared by Professional Design Services, LLC dated June 17, 2022 and a Traffic Impact Analysis prepared by McDonough & Rea Associates, Inc., dated May 6, 2022.

At the time of this hearing, the Applicant introduced the following Exhibits:

- Exhibit A-1. Aerial Display Map
- Exhibit A-2. Detailed, Magnified Display Map
- Exhibit A-3. Site Plan included in Application
- Exhibit A-4. Grading and Drainage Plan
- Exhibit A-5. Proposed Floor Plan and Elevations
- Exhibit A-6. Rendering of Exterior Front Façade

Jan L. Wouters, Esq. of Bathgate, Wegener & Wolf, P.C., provided testimony of William Stevens, P.E., P.P., of Professional Design Services, LLC, Scott Kennel of McDonough & Rea Associates, Inc., as a Traffic Expert and Richard P. Tokarski, AIA, LEED AP of Tokarski Millemann Architects, LLC. All three of the experts who testified on behalf of the Applicant were accepted as expert witnesses by the Board.

Mr. Stevens testified that the Applicant had received conditional approval from the Ocean County Planning Board. He also testified that commercial vehicles would enter on the easterly/southerly driveway and drive around the building through a “one-way” travel path. He indicated that more than adequate parking was being provided with 107 spaces, but that per municipal requirements, one more handicapped space would be added to ensure compliance with all ordinances so a total of 5 handicapped spaces.

Mr. Stevens also testified that there would be two trash areas which would be screened with landscaping and fencing to be removed by a private trash company. No tree removal is required. They are proposing to plant 54 trees and 195 shrubs. The Applicant would be widening the pavements along the county road and installing curbing along the site, as well as developing a center-turn lane for commercial traffic.

There were several questions and concerns regarding the turn lane for commercial vehicles and as a result of comments by Board members, the Applicant agreed to go back to the Ocean County Planning Board to discuss adding fifty (50) feet to the turning lane as well as to discuss the turning radius. The Applicant also agreed to provide the Board professionals with further information concerning any conversations concerning the traffic plan with the Ocean County Planning Board.

Mr. Stevens said that porous pavement would be used for the property for customer parking at the site. He also stated that the property is a permitted use in the zone and requires no variances or waivers and meets all standard of the State of New Jersey and Green Infrastructure Program; there will be 0% discharged.

The Applicant agreed to comply with all conditions in the Board Engineer's review letter. Mr. Stevens testified that six acres of the site would be used for farming. The Applicant proposed a farm access, which the Applicant agreed to expand to twenty (20) feet at the request of Chairman Hallock since some equipment is wider. There will be two poles with a chain that can be removed by the farmer.

With regard to the utilities at the Property, Stevens said that the site would be serviced by well and septic and that the Ocean County Health Department has approved the site plan, but that the specific well and septic designs had not yet been submitted. As far as lighting at the site, Stevens stated that the site would have building-mounted rear lighting, pole lighting at the customer parking location with lower height lighting closer to the road which would dim during off-hours. There is shielding for residential homes; 15 feet in front and 20 feet on the sides.

In response to comments by Joe Hirsh's review letter, the expected operating hours of the site would be 7:00 a.m. to 6:00 p.m., though exact times could not yet be determined because the tenants at the property remain unknown at this time. The equipment on the roof of the building would be screened from view from most angles. Hallock asked about an onsite generator required by the fire department for the fire pump and refill tanks. The generator will need propane if there is no natural gas. Neyenhouse commented on the high pressure main put in a few years ago by NJNG. Any trash at the site would remain in the trash enclosure. Neyenhouse asked about access to trash if trucks are parked there. There should be ample room for a garbage truck. Horowitz said that the trash needs won't be known until there are tenants. Hirsh said that they should agree that trash must be enclosed.

The Applicant also agreed to comply with all comments in Hirsh's review letter concerning stormwater management. Neyenhouse stated that there is a depression area in the middle of the property behind, it's a low point in the farm field. He proposed a retaining wall. He also stated that Plumsted has now moved from Tier B to Tier A. Hirsh stated that they will be required to comply with Tier A and annually submit a report to the township. O'Neill asked if this applies to porous pavement. Hirsh said that they will have to comply to keep pores clean. Bowen and O'Callaghan also spoke about drainage and stormwater. There was additional discussion on drainage, inlets and the concrete apron with concerns for water pooling at the entrance. Neyenhouse asked about state regulations; Stevens stated they are basing this on current regulations. Attorney Anthony advised that at the time of the application, those are the guidelines to follow.

Neyenhouse would like to have a final discussion on the plantings list before they are put in. Bradford Pears should not be planted but there is a whole list to consider. They are happy to work with the township.

Haney said that last time there was discussion about going to the zoning office for individual uses. At this time, we are confirming what is in Hirsh's report.

The Board then heard testimony from the Applicant's traffic expert, Mr. Scott Kennel who has over 35 years' experience and done over 2000 traffic impact studies. Mr. Kennel testified that the traffic plan created by him was created as a result of traffic recording devices monitoring the site for seven days in July of this year. They are consistent with DOT data which was reviewed by the county. He described the turning lane to be constructed for commercial traffic and explained that it was to be 175 feet long. It is anticipated there will be one vehicle every three minutes. In response to questions from the Board, they agreed to discuss lengthening the turn lane by fifty (50) feet with the Ocean County Planning Board. Kennel confirmed that there would be no overnight parking or trailer storage at the site. He also said that the traffic plan at the site meets and exceeds the well-accepted traffic standards for the site. There was some discussion among the Board about the traffic study and concerns about speed and other dump trucks on that stretch of road.

O'Neill asked about Safe Haven, if overnight truck parking will be allowed. There was discussion about no idling, DOT regulations and the township excluding this as a condition. Bowen asked if future changes could be made since there are a lot of unknowns now. Hirsh was asked about an updated traffic study; he replied yes that could be done. O'Callaghan confirmed that level service E is the max. Kennel said that was at the intersection of 539 and Hopkins.

Neyenhouse asked about the impact at that intersection. O'Neil asked about OC Planning and Engineering. They have conditional approval from them.

Wouters then introduced their architect, Mr. Richard Tokarski. He described the layout of the building; the interior and color scheme of the building. Hallock asked about the sides and back of building. O'Neill asked about firewall barriers. Solar is not proposed at this time. There was discussion about the number of bathrooms which will depend on the zoning of it. They just have a placeholder right now. O'Callaghan asked if there was a limit to the number of toilets with well and septic. Stevens said the septic is based on the square footage based on office and warehouse space. Hirsh said that right now it's a 90/10 split so if there will be any deviation, it would have to go to zoning and then possible the application amended. Tokarski said that the only signage at the building would be the building's name and address affixed to the building façade. O'Neill asked about making it look more like it belongs. Neyenhouse mentioned the new wastewater treatment plant. There was additional discussion about the design elements.

Hallock asked for any public comment. Ed Vienckowski of 256 E Colliers Mills Road stated that he was happy that the application did not require any variances and wanted to ensure the application would comply with any and all requirements of the Ocean County Planning Board. He asked about requiring copies of approval letters. His concern is that all of the requirements won't be done per the approval as he has seen the same firms in other towns and all wasn't done. Stormwater runoff, basins and inlets were reviewed by Hirsh. Finally there was a question about Zoom. The Board decided to not continue with Zoom; it is not a legal requirement.

Resident Pat Ahearn of 8 Lawrence Drive stated that the Master Plan was to preserve the rural nature of our town. Hallock spoke about the history of our town and said that the town has to pay their bills. This corridor on 539 was designated as commercial so we can live with a few things or will have to raise residential taxes.

Fox stated this will be the equivalent of taxes from 15 residential homes. It will provide potentially 80 jobs. There won't be a cost to the town with no children. It will be 10 acres in the front as commercial and the remaining acres will stay preserved. Fox continued that with the Lennar development and the sewer line, cesspools will be reduced and the downtown revitalized.

As there was no further comment, the public portion was closed.

Neyenhouse asked Hirsh about porous pavement in front of the building. What happens if it freezes in winter? What happens with porous pavement? Stevens advised that the inlets will resolve this. O'Neill asked about the lifespan of the pavement. Regular asphalt lasts 15-20 years

and porous is the same. It would require milling, removal and replacement. It cannot be repaired. Porous pavement works, it looks nicer, it is quieter and is maintained similarly to asphalt.

Wouters said that it is not realistic that it would be vacant. They have to get a lender, then tenants. But they cannot proceed if they don't get approved. It will take two years to be built once approved.

Haney asked for a recap from the attorney. She confirmed that the Applicant would comply with all recommendations of the Engineer's review letter, agreed to speak with the Ocean County Planning Board about adding 50 feet to the turn lane on Route 539, agreed to widen the access road to 20 feet, to discuss the turning radius at the ingress and egress of the site with the Ocean County Planning Board and to prohibit any overnight parking or storage trailers at the property. They also agreed to have their plans reviewed by the Environmental Committee.

Hirsh said that the Applicant will submit a revised rendering of the sign to the engineer. Wouters said that the township does not have an architectural control ordinance at this time. After the resolution is passed, the Applicant has to do these things. The maps will not be signed until these things are complied with. Haney said that the architect says they will work with us on the rural look of the building.

Motion was made by Mr. Haney to approve the application. Motion second by Mr. Fox.

Roll Call:

Approved:

Fox  
Neyenhouse  
Galloway  
Haney  
O'Callaghan  
O'Neill  
Horowitz  
Hallock

No other comments from the board. Motion to adjourn was made by Mayor Bowen. Motion second by Mr. Haney.

Roll Call:

Approved: All Ayes

Minutes were prepared by Clerk Jennifer Witham