

**WALL TOWNSHIP PLANNING BOARD  
MINUTES - REGULAR MEETING  
MUNICIPAL MEETING ROOM  
DECEMBER 6, 2010**

Chairman DiRocco called to order the regular meeting of the Wall Township Planning Board at 7:40 P.M. Members present were Dominick DiRocco, George Newberry, Todd Luttmann, Timothy Clayton, Timothy Farrell, Mary Hearn, Kristin Coman, first alternate George Bednarski, second alternate Carl Braun, Attorney Rubino, Engineer Mullin, Traffic Engineer Klein, Planning Board Secretary Roberta Lang, Planning Board Recording Secretary Schinestuhl and Court Reporter Arnone. Members Addonizio and Nolan were not present.

Chairman DiRocco announced the meeting was being held in accordance with the “Sunshine Law” and a resolution adopted on January 11, 2010.

**SALUTE TO THE FLAG**

Chairman DiRocco stated the Kurtz application will not be heard. It is being carried to January 10, 2011.

**CARRIED APPLICATION**

**SUMMIT/WALL ASSOCIATION – PB# 11-2007** – 3400 Highway 138, Block 774, Lot 8, OP-2 zone. Application complete: May 19, 2008. Carried from June 24, 2008, September 15, 2008, December 2, 2008, February 23, 2009, March 16, 2009, May 18, 2009, June 1, 2009, September 14, 2009, February 22, 2010, March 15, 2010, April 12, 2010, May 17, 2010, September 13, 2010 and November 8, 2010. Applicant requests approval to construct an office park consisting of two 64,000 s.f two-story buildings. Site with variances.

Keith Henderson, Esq. appeared for the applicant.

Attorney Henderson said at the last meeting the Board wanted to verify the traffic study. We have been provided with that report and we agree.

Attorney Henderson explained this was the subject of a developer’s agreement. The Planning Board thought the building had to be smaller and we agreed with that. All variances were removed except for the dumpster. It was decided the Board only had jurisdiction over the traffic for the ingress and egress driveway. We would make application to change the signal timing on the light at the intersection of 138 and Allenwood Road and re-align the striping to provide for a left turn and make the road wider. We are paying and doing it in the name of the town. We are concerned with the timing issue. We don’t know if the NJDOT will want to add red time to 138.

Attorney Rubino said we just want you to make the application. We can make it a condition to be done during the building process. No C.O. until that is done. Attorney Henderson agreed.

Attorney Henderson said we are looking for a vote from the Board tonight. Both traffic engineers are on the same page. Chairman DiRocco said we asked our professionals to go out to the site and we have that report also.

Mr. Klein said we went out after last months meeting. We reported back to the Board. We went out Tuesday and Thursday nights. We looked at the traffic conditions. We summarized that. Our report is consistent with what the applicant's engineer has testified regarding trip generation and where that traffic is going to be going. The queuing would not impair the intersection. The proposed improvements would help the traffic along that approach. The left turn lane would help confusion. We will go to NJDOT and apply for this work. From that point the NJDOT will have to review and they will make their decision.

Chairman DiRocco said the observation on Tuesday and Thursday at 4:30 P.M. the left lane cleared completely on each turn. Mr. Klein said all vehicles cleared.

Mr. Braun said in your report you said you thought the applicant's report was conservative. Mr. Klein said yes.

Chairman DiRocco said T & M did three observations. Mr. Klein said yes. Mayor Newberry said those are on top of what the applicant did. This application started in 2007. The applicant has recalculated and updated their information. He asked about the seasonal difference between November and December and July and August. Mr. Klein said that would happen more so on the highway.

Mayor Newberry said we do have a summer percentage of residents that use Wall Township as their summer home. There may be a slight increase there. The seasonal increase would be on the highway. Mr. Klein agreed.

Entered into evidence:

PB-20 Bruce Klein's traffic report

A-38 Traffic report dated November 17, 2010

Attorney Henderson said there was some comment from the public regarding drainage. The testimony of the applicant states there would be an improvement on the drainage. We are going to not only take care of ours but also the highway.

The application was open to the public.

Louis Thompson, 2059 Allenwood Road, said he agrees with the drainage issue but disagrees with the traffic. There is as a farm and this is a sensitive area. You are going to add traffic to a neighborhood that is semi-quiet. He said he is against this development.

Mayor Newberry said he is concerned about the drainage. There are few farms left in Wall. If the drainage fails our engineer will make sure it is fixed. I understand the traffic situation. When I look there and with my experience and then I see the traffic report it is two different things. We as a Board are very limited as to what we are allowed to consider.

Attorney Rubino said from a legal standpoint the courts do not allow us to consider traffic except for in front of the site and ingress and egress. Our experts and theirs are on the same page. We have asked them to go to NJDOT with some road widening that will take care of the back-up. Our hands are somewhat tied.

Mr. Thompson said the concern is that the driveway traffic will come to our house.

Donald Pyle, West Hurley Pond Road, said his main concern is water. He asked where you are going to put the water. Mr. Lang said on the east side of the property there is a very large basin, the storm water run-off is going to be directed into that basin. The basin is much larger than what is required. We are handling not only our run-off but also the water from the highway. The water will be held in the basin and then it will soak down into the ground. It will function the same way a sand pool filter will. We have tested the soil and the water will flow through the same area it does now.

Mr. Pyle asked how large that basin is. Mr. Lang said it will hold about 5' of water in a 100 year storm.

Mr. Mullin said he agrees with what has been testified to. It will accommodate the flow from 138.

Mr. Pyle asked how many inches of rain. Mr. Mullin said approximately 9.2" in 24 hour period. Mr. Lang said it can handle 2½" of rain and there will be no run-off. It is sufficient. Mr. Pyle asked about a 3" rain. Mr. Lang said it would not be all that different.

Craig Stewart, 2039 Allenwood Road, said the Pittenger site has an influx of traffic. The other thing that bothers me is on Brinley Avenue there is a new day-care center that isn't even open yet. That is just down the street. He said he doesn't see how this traffic report is correct. There are problems making a left to get onto 138. I think you have to check that out again. That is traffic we never had. There are a lot of issues.

Mr. Thompson asked for the hours of operation. Attorney Henderson responded, we don't have any tenants in place. Lights will go into a lower mode one hour after the last tenant closes.

Chairman DiRocco said you will conform to our ordinances. Attorney Henderson said yes.

Mayor Newberry said there is a builder's agreement and there were no limitations on the hours. Attorney Rubino explained hours of operation are not limited in a zone like this.

Mr. Thompson said we were talking about 50% medical. If medical, what if they had one of those 24 hour emergencies, they can be there all night. Attorney Rubino said there may be someone that may stay open beyond normal office hours and they are allowed in this zone.

Mr. Thompson said in the beginning the Pittenger lights were a problem and they did some adjustments and they are fine now.

Mayor Newberry said there is no limitation on lighting. We are going to be very specific on what is being installed. There will be no light pollution.

Susan Olson, Allenwood Road, said several months ago there was a decision that the traffic grade was D to E. The last time we were here they upgraded it as a result based on National Average. Traffic is an issue.

Charles Morris, Allenwood Road, said he is concerned about where the driveway coming out of this facility will be. Their property and mine are directly across from each other.

Mr. Lang, using A-14, showed where the driveway will be located. There is a 75' landscape buffer. Using A-27 Mr. Lang showed where lot 3 is located and said the driveways are not directly across from one another. There is a distance.

Mr. Stuart asked if A-27 shows the Pittenger driveway. Mr. Lang said yes.

Mr. Thompson said the driveway will be further down the hill. Attorney Henderson said what we had proposed was to move it further north because we wanted to be further away from the intersection.

Mr. Thompson said it will be below the Morris driveway. Mr. Lang said between the Morris driveway and the Pittenger driveway.

Mary Burns, West Hurley Pond Road, said she doesn't know if the Board is aware of the issue she is having. You are talking about this development with how many parking spaces. Mr. Lang said 646 constructed and 116 banked. Ms. Burns said you are talking about this corner 138 and Allenwood Road. To the Board's engineer she said on Allenwood Road there are so many traffic safety hazards. It has gotten worse. Now you are talking about how many cars and there are no speed limit signs. The bridge is collapsing. Captain Clayton said the attorney explained earlier when you deal with project traffic outside of their entrances it is outside of our jurisdiction. Chairman DiRocco said we can't deny an application because it may cause a traffic condition. Ms. Burns said she doesn't understand. Chairman DiRocco said we do not have jurisdiction over traffic.

Ms. Burns said this is a death trap. Attorney Rubino again tried to explain that the Board does not have jurisdiction.

Ms. Burns asked about the stop light. Chairman DiRocco said they are making an application to NJDOT.

Ms. Burns asked who they take that up with. Attorney Rubino said the State Road Department.

Captain Clayton suggested she speak to Mr. Verruni regarding the safety issues. He said he goes by there everyday.

Ms. Burns said this is also going to have an impact on the wildlife. Attorney Rubino explained they have submitted an EIS. It does not indicate any wildlife problems.

Mr. Mullin asked if the wildlife was specific to this site. Ms. Burns said she is just an animal lover and she is concerned about nature. It is a natural habitat. Mr. Mullin said this is the first time I am hearing about this. An EIS was submitted. It was reviewed and accepted.

Attorney Henderson stated they also have an LOI and it states there are no wetlands on the site. He said it was completed in 2008. He asked where Ms. Burns was when all this testimony was provided.

Attorney Rubino said this process was started two or three years ago. They did what was required of them.

Ms. Burns said she cannot believe that you can submit something that was done in 2008. Attorney Rubino explained they filed the application three years ago. They filed those documents then. They are not required to update them and we are not asking them to do it again. Attorney Henderson said an LOI is good for five years.

Robin Cervantes, 2009 Tally Ho Drive, said she travels that intersection several times a day. She said she is concerned. She feels that the traffic study is flawed. There is a dramatic increase in traffic during the summer months, May thru September. The traffic is heavier on the weekends. The problem is during the summer. The summer months are bad.

Captain Clayton said if we find an issue there we can ask NJDOT for a left hand turn lane there. It is something we can do in the future.

Mayor Newberry explained it is not only the builder's agreement this Board also is limited by MLUL.

Attorney Rubino said legally this Board would not have the right to deny this application.

Mayor Newberry said the MLUL leaves me wondering why things are done certain ways but we have to follow certain guidelines.

Attorney Rubino said this is a conforming application. We have to work with the applicant.

Ms. Burns said you are going to widen the area of Allenwood Road and change the timing of the light. Attorney Henderson said we are making application to NJDOT to do those things.

Ms. Burns asked what are you responsible for. Attorney Henderson said unless there is a queuing problem that light to our driveway the Board has no jurisdiction. We are doing certain things that we are not required to do. We will make application to NJDOT, we will pay for those applications and we will pay for the improvements.

Mr. Stewart said he was at that intersection and there is a strip there. It looks like they are counting trips. Captain Clayton said they are not ours, that would be NJDOT. We have asked NJDOT for records regarding that intersection.

The application was closed to the public.

Attorney Henderson said this has been a long journey. We have done everything the Planning Board has asked us to do. There is only one minor variance for the location of the dumpster. Your engineer and ours are on the same page.

Attorney Rubino asked if there was a variance needed for improvements in the buffer. Mr. Lang said for the white rail and the small basin. Attorney Rubino said we will include that.

Mayor Newberry said he appreciates the public coming out for the past two years. He said he heard comments that we are pushing this through or we should just say no. We are bound by law. People have the right to come forward and develop their property. It is an appropriate use. There is a developer's agreement. The Governing Body was thinking in a positive way. This site could have a few hundred homes. It could have been a lot of things. I have to admit the applicant has been agreeable and worked with us. They have gone so far as going to NJDOT and doing road improvements. We appreciate it. The drainage issue is a concern to anyone in the Township. He said he feels confident that this will work. The traffic the Board has no jurisdiction. The road is going to change; it is going to be improved.

Ms. Hearn moved to approve the application subject to the basement be deed restricted for storage and mechanicals only. The banked parking be built when required by the Building Department or the Land Use Office. There will be a 50% reduction in lighting one hour after the last tenant closes. The applicant shall apply to NJDOT for widening of the street, re-stripping of the street and a timing adjustment for the traffic signal. There shall be no C.O.'s issued until all this is done. Variances are granted. The applicant shall comply with the review letters of the Board Professionals. The applicant will comply with the requirements of Freehold Soil conservation District, Monmouth County Planning Board and NJDOT. The applicant will comply with Wall Township Affordable Housing Trust Fund and ADA requirements. The applicant shall submit an application for Subtitle 1 of Title 39. Mr. Farrell seconded the motion, which was unanimously approved by a roll call vote. (Ms. Hearn, Messrs. Farrell, Braun, Clayton, Mrs. Coman, Messrs. Luttmann, Newberry and DiRocco voted yes.)

**RESOLUTION TO BE MEMORIALIZED**

**ELIZABETH BRADY – PB# 9-2010**

Block 345, Lots 9 & 11

Attorney Rubino read the resolution of approval. Committeeman Luttman moved to adopt the resolution as read. Captain Clayton seconded the motion, which was unanimously approved by a roll call vote. (Messrs. Luttman, Clayton, Braun, Mrs. Coman, Mr. Farrell, Ms. Hearn, Messrs. Newberry and DiRocco voted yes.)

There being no further business to come before the Board, a motion was made, seconded and unanimously approved to adjourn the meeting at 9:05 P.M.

Respectfully submitted,

Betty Schinestuhl  
Recording Secretary