

RESOLUTION

**TOWNSHIP OF HOWELL PLANNING BOARD
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
PRELIMINARY AND FINAL SITE PLAN APPROVAL
AND DESIGN WAIVER RELIEF**

**Approved: March 2, 2023
Memorialized: April 13, 2023**

MATTER OF: AASTHW PROPERTY, LLC

APPLICATION NO.: SP-1102

WHEREAS, an application for preliminary and final site plan approval and design waiver relief has been made to the Howell Township Planning Board (hereinafter referred to as the “Board”) by AASTHW Property, LLC (hereinafter referred to as the “Applicant”), on lands known and designated as Block 168, Lots 17, 18, 19.02, 19.04, & 19.08, as depicted on the Tax Map of the Township of Howell (hereinafter “Township”), and more specifically located at 308 & 413 Fairfield Road in the SED (Special Economic Development) Zone; and

WHEREAS, the Applicant appeared before the Board during remote public hearing held via the Zoom Remote Platform on March 2, 2023, with regard to this application; and

WHEREAS, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

WHEREAS, an application has been filed, the fees as required by Township Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

NOW, THEREFORE, does the Howell Township Planning Board make the following findings of fact and conclusions of law with regard to this application:

1. The subject Property, consisting of Lots 17, 18, 19.02, 19.04, and 19.08 contains a total of 11.84 acres, and has frontage along the west side of Fairfield Road, just south of the Route 33 exit ramp within the SED (Special Economic Development) Zone. Lot 17 is improved with a two-story dwelling, two (2) sheds, and paved driveway access from Fairfield Road. Lot 19.02 contains two isolated freshwater wetlands that partially encroach onto Lot 19.04. The limits of the freshwater wetlands have been verified by the NJDEP in 2018. Lot 19.08 contains a sliver of land, approximately 14 feet in width, that extends to the south between adjacent Lot 19.01 and Fairfield Road.

2. The Applicant proposes to remove all existing structures and construct an approximate 202,049 square foot warehouse/office building which will consist of 192,049 square feet of warehouse space and two (2) separate office spaces totaling 10,000 square feet. The facility will provide twenty-five (25) loading dock spaces, two (2) drive in ramps, as well as seventy-three (73) passenger vehicle parking spaces, which includes six (6) handicap accessible spaces and four (4) electric vehicle charging spaces. Access is proposed via two (2) new full movement driveways to be located along Fairfield Road. One of the driveways will direct the passenger vehicles to the parking spaces on the north side of the building and the other driveway will direct tractor trailers to the loading docks on the south side of the building. A thirty (30) foot wide circulation aisle is also proposed around the building connecting the parking lot and the truck court. The Applicant further proposes concrete sidewalks, curbing, ADA curb ramps, retaining walls, and stormwater management, consisting of two (2) underground infiltration basins, one (1) above ground infiltration basin, and one (1) bioretention basin. The Applicant further proposes new landscaping and lighting throughout the subject Property. The Applicant is also proposing to consolidate the five (5) existing lots into one new lot. Public water and sanitary sewer mains are proposed to be extended along the

frontage of Fairfield Road under a separate application, and utility connections will be made in front of the subject Property.

3. Counsel for the Applicant, Craig Gianetti, Esq. stated that the Applicant was seeking preliminary and final site plan approval with design waiver relief. He explained that the subject Property was located at 308 & 413 Fairfield Road and included Block 168, Lots 17, 18, 19.02, 19.04, & 19.08 which are located in the SED Zone. Mr. Gianetti stated that the subject Property contained a total of 11.84 acres and was mostly vacant except for a two-story structure. He explained that the Applicant was proposing to remove the two-story structure and sheds in order to construct an approximately 202,049 square foot warehouse, which would have 10,000 square feet of ancillary office space. Mr. Gianetti further stated that the lots would be consolidated. He noted that the subject Property would be accessed via two (2) full movement driveways. Mr. Gianetti represented that the proposal was conforming to Township Ordinances, except for Section 188-106A in regard to driveway widths in excess of twenty-four (24) feet. He stated that the Applicant was proposing a thirty (30) foot wide driveway and a thirty-six (36) foot driveway. Mr. Gianetti also stated that the Applicant was seeking a waiver to contribute to the Township Tree Fund. Mr. Gianetti also represented that the Applicant had prepared a compliant lighting plan as well as an alternate plan for the Board's consideration.

4. Testimony was taken from Jeromie Lange, who identified himself as Director of Development for Active Acquisitions, the parent company of the Applicant. Mr. Lange also stated that he was licensed as a Professional Engineer and a Professional Planner, but was only providing testimony as a representative of the Applicant. Mr. Lange testified that the subject Property was vacant, except for a single-family dwelling. He stated that an environmental study had been conducted which did not reveal that further investigations was required. He stated that a 275 gallon

above-ground storage tank was located on the subject Property, which would be addressed during the construction period.

5. Mr. Lange next testified that the Applicant was proposing to construct an approximately 200,000 square foot warehouse with seventy-three (73) parking spaces, including two (2) EV charging spaces. He stated that twenty-five (25) loading docks were also proposed. Mr. Lange further explained that the proposed building would not be a major distribution center or a fulfillment center. He described warehouses as being primarily used for storage and that distribution was secondary, whereas a distribution center was the opposite with distribution being the primary purpose and storage was secondary. Mr. Lange further testified that the proposed building was designed as a warehouse and was not conducive to distribution. He explained that although the subject Property was adjacent to the Route 33 interchange, the site was greater than five (5) miles from an interstate or the New Jersey Turnpike, where distribution centers typically prefer to be located. He further explained that distribution centers also usually have cross docks, whereas the proposed building was designed for single loading docks for storage. Mr. Lange also stated that the proposed building was small at 202,000 square feet, whereas distribution centers were typically 500,000 square feet or greater. He then testified that the number of parking spaces proposed was insufficient for the number of employees that a distribution center would require.

6. Mr. Lange also stated that the proposed building would be dividable in order to accommodate up to two (2) tenants with no greater than 5,000 square feet of office space per tenant. He then testified that a buffer would be provided between the subject Property and Route 33 and between the site and Fairfield Road. He also explained that a small buffer would be provided between the truck court and the property to the south, even though it was a similar warehouse use. Mr. Lange testified that the storage of any materials would comply with all applicable standards.

7. Mr. Lange next testified that two (2) full movement driveways were proposed. He stated that the northern driveway would be limited to passenger cars and the southern driveway would be limited to truck traffic. Mr. Lange explained that the northern driveway would be thirty (30) feet wide and the southern driveway was thirty-six (36) feet wide. He stated that a thirty (30) foot wide drive aisle along the western side of the building would connect the passenger car parking lot and the truck court. He explained, however, that the drive aisle was not for circulation, but rather for emergency access. Mr. Lange then stated that the drive aisle would have a chain or fence with a Knox Box for emergency vehicle access.

8. Mr. Lange also stated that the Applicant was seeking relief for the driveway widths. He explained that the relief was necessary because the driveways exceeded the maximum width twenty-four (24) feet. He explained, however, that another section of the Ordinance required a minimum width of thirty (30) feet for an industrial use with which the driveways were both compliant.

9. Mr. Lange further explained that a truck turnaround would be located at the southwest corner of the subject Property at the end of the truck court. He explained that the turnaround would allow trucks to rotate in order to be better oriented to back into the loading docks. Mr. Lange also testified that trash enclosures with compactors would also be located within the truck court. He stated that the compactors would be enclosed and not be visible from off-site.

10. Mr. Lange next testified that the Applicant had submitted a lighting plan that was compliant with the lighting ordinance, which was marked as A-3. Mr. Lange stated that the Applicant also submitted an alternate lighting plan that was compliant with the Illumination Engineer Society (IES) standards, which was marked as A-19. He explained, however, that the alternate lighting plan would require a design waiver from the Township Lighting Ordinance. Mr.

Lange testified that the Applicant preferred the alternate lighting plan, but would agree to provide an ordinance compliant lighting plan, if the Board requested.

11. Mr. Lange further stated that the Applicant had provided a compliant landscape plan with foundation plantings within the loading docks. He testified that having landscaping in the loading dock was an unusual practice. Mr. Lange explained that the loading dock would be located at the rear of the building and the landscaping would only be seen by the truck drivers.

12. Mr. Lange also stated that the subject Property was currently heavily wooded and that tree removal would be necessary to develop the site. He stated that it would not be possible to replace all of the trees removed, therefore the Applicant was seeking a waiver to permit payment into the Township Tree Fund.

13. Mr. Lange next testified that the Applicant has submitted two (2) separate façade designs and was willing to use either design. He stated that the first design, marked A-33, strictly conformed with Ordinance requirements. He explained that the Ordinance design requirements were meant for smaller buildings. Mr. Lange stated that the second design, marked A-12, was a better design and met the intent of the Ordinance, although it was not in strict compliance. He stated that the Applicant preferred the A-12 design because it was more practical for the warehouse use.

14. The Board Planner testified that she took no exception to granting the waiver for contributing to the tree fund. The Board Planner also testified that she took no exception to granting the waiver for the lighting plan. She stated that it was typical to use a lighting plan compliant with the IES for warehouse uses. The Board Planner further testified that she agreed with Mr. Lange in granting the waiver from providing foundation plantings along the loading docks because the plantings would die within a matter of months. The Board Planner also stated that the architectural façade labeled A-12 was superior to the strictly compliant design. The Board Planner advised that

she took no exception to granting the design waivers requested and that the Applicant had met its burden of proof.

15. The Applicant's Engineer, Tung-To Lam, P.E., testified that the proposed warehouse conformed with all bulk standards for the SED Zone. He stated that the stormwater management system consisted of on-site inlets and trench drains. Mr. Lam stated that they would drain via pipe to above or underground basins throughout the site. He also confirmed that the stormwater management system was compliant with all NJDEP regulations and was also compliant with all Township ordinances. Mr. Lam further testified that the maintenance manual for the stormwater management system would be recorded. He stated that the stormwater management system would be privately owned and maintained.

16. Mr. Lam next testified that the proposed development would connect to the public water and sanitary sewer along the frontage of Fairfield Road. He explained that a fire tank would be located at the northwest corner of the site. Mr. Lam advised that the fire tank would have a diameter of thirty-six (36) feet and a height of twenty-five (25) feet. He stated that the pump house would be attached to the fire tank and would have dimensions of twenty (20) feet by twenty-four (24) feet with a height less than twenty-five (25) feet.

17. Mr. Lam next testified that one (1) freestanding sign would be located near the passenger car driveway entrance. He stated that the size of the sign would be nine (9) feet long and three (3) feet tall, which was compliant with the Township sign Ordinance.

18. Mr. Lam further stated that the Applicant had obtained approval from the Monmouth County Planning Board. He stated that the Applicant had also obtained a certification from Freehold Soil Conservation District. He stated that the applications to New Jersey American Water and Howell Township Water and Sewer were under review. Mr. Lam also noted that the Applicant had obtained a General Permit 6 from the NJDEP.

19. Mr. Lam next testified that the Applicant would comply with all the technical comments within the Board Engineer's Report dated February 24, 2023, as well as, the Board Planner's Report dated February 24, 2023. Mr. Lam stated that the Applicant would also paint the fire hydrant and coordinate with the Fire Official on painting a fire lane per the Fire Official's Report.

20. The Applicant's Traffic Engineer, Dan Disario, P.E., PTOE, testified that he had conducted a Traffic Impact Study (TIS) dated November 30, 2021. Mr. Disario testified that the proposal was for a small warehouse. He stated that warehouses less than 450,000 square feet were considered small. Mr. Disario further testified that the limited number of parking spaces would also necessarily limit the type of tenants and the volume of traffic to and from the site. Mr. Disario testified that he based the traffic volume counts on the Institute of Transportation Engineer's (ITE) Code 150, warehouses. He stated that he determined that during the morning peak hour, there would be thirty-seven (37) cars entering, and seventeen (17) cars exiting for a total of fifty-four (54) car trips. He stated that there would be two (2) trucks entering, and two (2) trucks exiting for a total of four (4) truck trips during the morning peak hour. Mr. Disario further testified that during the evening peak hour, there would be thirteen (13) cars entering, and forty-three (43) cars exiting for a total of fifty-six (56) car trips. He stated that there would be three (3) trucks entering, and three (3) trucks exiting for a total of six (6) truck trips during the evening peak hour. Mr. Disario testified that the industry threshold for a significant impact was 100 trips during a peak hour and that the counts for the proposed use were significantly below that threshold.

21. Mr. Disario also explained that the sight distance for the location of the driveways was unlimited because Fairfield Road was flat and straight along the frontage of the subject Property and beyond. Mr. Disario further testified that the driveway width was a minimum of thirty

(30) feet, which was compliant with the Township Ordinance for commercial driveways. He stated that the driveway design was appropriate and consistent, therefore it was safe and efficient.

22. Mr. Disario next testified that the cars and trucks would be segregated. He stated that the car parking was on the northern side of the building and would use the northern driveway. Mr. Disario also stated that the truck court was located on the southern side of the building and trucks would use the southern driveway. He then testified that the parking lot and truck court were designed to be compliant with the Township Ordinances and common design standards.

23. Mr. Disario then stated that a turnaround would be located at the truck court, which he called a "spin circle." He explained that the "spin circle" would allow all trucks to turnaround to face the direction preferred by drivers to back into the loading docks. Mr. Disario testified that the "spin circle" was advantageous to the drivers and was a common practice.

24. In response to questions from the Board, Mr. Lam testified that the wetlands on site that would be filled in were isolated pockets that were a result of poor drainage from the former use of the subject Property. Mr. Lam testified that filling in the wetlands qualified under the NJDEP General Permit 6, for which the Applicant has already received approval.

25. In response to further questions from the Board, Mr. Lange testified that the initial soil sample found arsenic levels to be above normal. He stated that the Licensed Site Remediation Professional (LSRP) retested the soil sample because of the anomaly. Mr. Lange testified that the retest found the arsenic levels to be within acceptable levels.

26. Testimony was taken from Matthew Lev, who identified himself as the LSRP for the site. Mr. Lev testified that he had conducted the lab tests and found the soil sample to have an abnormally high level of arsenic. He explained that because of the high level, he retested the soil to confirm the findings. Mr. Lev stated that the new testing did not reveal high arsenic levels.

27. In response to further questions from the Board, the Board Planner confirmed that the area where the landscaping would not survive was the foundation plantings along the loading dock. She stated that it would be impracticable to have plantings in that location.

28. The hearing was opened to the public, at which time Marc Parisi, 2 Castle Court appeared before the Board. Mr. Parisi was concerned with the Environmental Impact Report (EIR) on page 38 citing the Environmental Resource Inventory from 2008 when the Board had approved a newer Environmental Resource Inventory in September 2021. Mr. Parisi stated that he did not know whether there were any specific changes to the subject Property between the 2008 Environmental Resource Inventory and the 2021 Environmental Resource Inventory.

29. Testimony was taken from Thomas Auffenorde, who identified himself as the Applicant's environmental consultant. Mr. Auffenorde testified that Mr. Parisi was referencing an older version of the EIR. Mr. Auffenorde testified that he had revised the EIR on February 15, 2022, and utilized the 2021 Environmental Resource Inventory. Mr. Auffenorde testified that there was no change in the conclusion between the older EIR and the revised EIR. He explained that he had reviewed the 2021 Environmental Resource Inventory and ensured that the EIR was consistent. Mr. Gianetti stated that the Applicant would provide a copy of the revised EIR dated February 15, 2022 and subject to review of the Board professionals. He agreed that if the Board Professionals found any inconsistencies, then the Applicant would return to the Board.

30. Manu Chopra appeared before the Board, but had no audio. The Board had recognized Mr. Chopra from a previous meeting and found that he was not a resident of the Township nor of New Jersey and had not provided relevant testimony at the previous meeting.

31. Candace Dovenero, 58 Victory Road, expressed her concern regarding the inconsistency of the soil testing for arsenic. Mr. Gianetti stated that the Applicant would agree to a condition of approval to revisit the soil testing for arsenic.

32. Patty Trotta, 190 Bennett Road, expressed her concern with trucks travelling on Bennett Road in spite of the weight restriction of the roadway. Mr. Disario stated that all truck traffic from this site would come and go toward Route 33 and would not use Bennett Road. He stated that there would be a “no right turn” sign at the truck driveway in order to direct trucks toward Route 33. Mr. Gianetti agreed as a condition of approval to contact the Township to provide signage on Bennett Road to restrict trucks.

33. Janice Romisoukas, 314 Baker Road, expressed her concern with traffic on Fairfield Road. She stated that the volume of traffic has increased dramatically on Fairfield Road. Ms. Romisoukas testified that the queue on Fairfield Road at the traffic light at Route 33 was often ten (10) cars, which would block the proposed driveways. She was also concerned with the traffic volume from other proposed or recently approved warehouses in the area. She also expressed concern with newly constructed warehouses being listed for sale. Ms. Romisoukas stated that she wanted traffic volume studies to consider the overall volume of all the new warehouses in the area.

34. In response, Mr. Disario testified that his traffic study considered all of the new and proposed warehouses in the area. He explained that he analyzed the existing traffic volume, then added an increase of non-specific background volume. He then added the specific warehouse developments and proposed developments. Mr. Disario testified that his area of study was Fairfield Road from its intersection with Park Avenue to the north and Adelpia Road to the south. He stated that he studied all intersections, including driveways, in that area of study and determined that all will operate efficiently at a Level of Service D or better.

35. Sheri Reavis, 3 Hearth Court, expressed her concern with the revised EIR not being available for the public or the Board to review before voting on the application. Ms. Reavis stated that she wanted the Board to not vote until all the documents were available to be reviewed.

36. Steven Morlino, 51 Peachstone Road, objected to the virtual meeting format. Mr. Morlino asked if the traffic study considered the number of school buses that travel Fairfield Road crossing Route 33. Mr. Disario, in response, testified that he did not have a specific count of school buses, however, he conducted his traffic study between 6am to 10am and 2pm to 6pm on Tuesday, October 5, 2021 in order to capture school activity. Mr. Morlino further testified that he was concerned with safety on Fairfield Road referring to a recent fatal traffic accident. He stated that Fairfield Road was narrow and had heavy traffic. He asked for the Township to enforce the signage on the roads. The Board Planner clarified that the weight restriction signage was only for Bennett Road, whereas tractor trailers were permitted on the other roads in the area. Mr. Morlino further asked if there was an Environmental Impact Study performed for the air quality with the increase of diesel truck traffic.

37. In response to concerns from the public, Mr. Gianetti stated that an air quality study was not conducted nor is such a Study required. Mr. Gianetti further stated that the Applicant was proposing a “no right turn” sign on the subject Property, which would be enforceable through Title 39. He further explained that trucks would use Route 33 because it was the best route. Mr. Gianetti also stated that the Applicant would be widening Fairfield Road as part of this development in connection with the widening of Fairfield Road along other developments.

38. There were no other members of the public present who had not had an opportunity to speak expressing an interest in this application.

39. The Board has received, reviewed and considered various exhibits and reports with regard to this application. Those exhibits and reports are set forth on the attached Exhibit List, and all exhibits and reports as set forth on said Exhibit List have been incorporated herein in their entirety.

WHEREAS, the Howell Township Planning Board, having reviewed the proposed application and having considered the impact of the proposed application on the Township and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Township of Howell, hereby determines that the Applicant's request for preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 and design waiver relief pursuant to N.J.S.A. 40:55D-51 should be granted.

I. Design Waiver Relief

The Board first addresses the issue of design waiver relief from Section 188-106A. The Board finds that while this Section generally requires driveways with widths exceeding 24 feet to be approved by the Board, other Sections of the Ordinance require a minimum of 30 foot for this particular use.. The Board therefore finds that the Applicant has complied with the Ordinance requirement and that design waiver relief is not required.

The Board also finds that the Applicant is capable of complying with all lighting requirements. The Applicant has, however, proposed a plan which is compliant with IES standards. The Board finds that the IES standards better promote the appropriate levels of lighting in the various areas of the proposed development. The IES is further a highly regarded national standard which is widely used. The Board's own professionals further agree that the IES standard should be utilized. The Board therefore determines that the Applicant would encounter impracticable difficulty in developing the subject Property in the most efficient manner if the strict requirements of the Ordinance were enforced and that design waiver relief pursuant to N.J.S.A. 40:55D-51 is therefore appropriate.

The Board further finds that the subject Property is heavily wooded and is not capable of being developed with most permitted uses at all if not partially cleared. The Board distinguishes the subject Property from other sites wherein similar uses have been proposed due to its limited size. The Board finds that the Applicant has proposed waiver relief to permit an in lieu of financial contribution in this instance. This contribution is appropriate considering the size and shape of the subject Property. Waiver relief pursuant to N.J.S.A. 40:55D-51 is therefore appropriate in this instance.

The Board also finds that requiring the landscaping of the beds of the bay door areas would be futile. This is because such plantings would have little likelihood of survival. This landscaping is also of limited utility considering that it would not be seen by anybody. The Board therefore finds that the strict applicability of the Ordinance would create practicable difficulties in developing the subject Property with this permitted use and that design waiver relief pursuant to N.J.S.A. 40:55D-51 is therefore appropriate.

The Board also finds that the architectural plan depicted in Exhibit A-12 is superior to the design which would be compliant with Ordinance requirements. The Board finds that compelling strict compliance with the Ordinance requirement would create practicable difficulty in designing the most efficient and visual desirable site. Design waiver relief pursuant to N.J.S.A. 40:55D-51, to the extent necessary, is therefore appropriate in this instance.

II. Site Plan Approval

The Board finds it necessary to first discuss its statutory jurisdiction in the review of applications for site plan approval. The Board is vested with jurisdiction pursuant to the MLUL to review applications to confirm compliance with ordinance and any other applicable

requirements and where there is non-compliance to exercise quasi-judicial power to either grant or deny relief.

The New Jersey courts have characterized this jurisdiction as being “tightly circumscribed”. A planning board is prohibited from basing its decision on whether a particular use should be permitted or prohibited. This is a legislative power which is solely vested with a governing body. Planning boards are explicitly prohibited from unlawfully usurping this jurisdiction for itself.

In the instant matter, this means that opinions of whether warehouses are a good or unwise permitted use in the SED Zone is well outside of this Board’s jurisdiction. This Board is limited by what is permitted in the Township’s Ordinance. The proposed use is permitted which ends the issue.

The Board also finds it necessary to discuss the issue of traffic in site plan applications. The New Jersey Courts have held that general increases in traffic were necessarily considered by a governing body when adopting ordinances making certain uses permitted. This means that the mere increase in traffic may not be used as a reason to deny an application for a permitted use.

The one exception involves safe ingress and egress from a site. A planning board is vested with the power to deny an application for a permitted use when ingress or egress is dangerous.

The increase in truck traffic associated with the proposed use therefore cannot support the denial of the instant application. Both the Applicant’s professionals as well as Board’s own professionals also reached the same conclusion that the proposed ingress and egress would be safe. The Board therefore concludes that traffic cannot support denial of the instant application.

With the exception of the above referenced relief, the Applicant has satisfied all other site plan, zoning and design standard ordinances. The Applicant further agreed to all of the previously referenced conditions of approval. The Board therefore determines that preliminary site plan approval and final site plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 are appropriate in this instance.

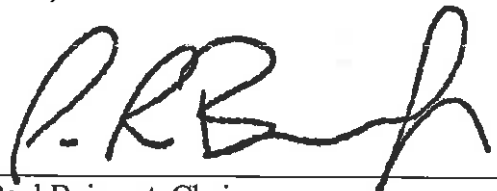
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Howell on this 13th day of April 2023, that the action of the Planning Board taken on March 16, 2023, in regard to Application No. SP-1102 of AASTHW Property, LLC for preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and 50, as well as design waiver relief pursuant to N.J.S.A. 40:55D-51 is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All site improvement shall take place in the strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be revised.
2. Except where specifically modified by the terms of this Resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.
3. The Applicant shall perform an additional soil test to confirm that the level of arsenic is at an acceptable level. The soil sample shall be taken from the same location as the initial soil test. The soil test shall be performed consistent with NJDEP standards. The soil test shall be subject to review by the Board Engineer and Board Planner.
4. The Applicant shall provide the revised Environmental Impact Report dated February 15, 2022 subject to review by the Board Engineer and Board Planner.
5. The Applicant shall convey Title 39 rights to the Township.
6. The above ground storage tank shall be removed in accordance with all applicable standards.

7. In connection with this approval, a distribution facility or fulfillment center is strictly prohibited.
8. All stormwater management facilities shall be privately owned and maintained.
9. The stormwater management manual shall be recorded.
10. A “no right turn for tractor trailers” sign shall be placed facing internal to the site on the subject Property in order to discourage tractor trailer use of Bennett Road.
11. Tractor Trailers from this Property shall not use Bennett Road.
12. The Façade plan identified in Exhibit A-12 shall be utilized.
13. The Applicant shall comply with all IES lighting standards.
14. The Applicant shall record a deed consolidating all lots subject to the review and approval of the Board Attorney and Board Engineer.
15. The Applicant shall provide a certificate that taxes are paid to date of approval.
16. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
17. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Howell, County of Monmouth, State of New Jersey or any other jurisdiction.

BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to the Applicant and to the Township Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.



Paul Boisvert, Chairman
Howell Township Planning Board

ON MOTION OF: Mr. Huszar

SECONDED BY: Mr. Mercer

ROLL CALL:

YES: Mr. Huszar, Mr. Mercer and Chairman Boisvert


NO:

ABSTAINED:

ABSENT: Mr. Cristiano, Mr. Seaman and Mr. Kyle

DATED: April 13, 2023

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Howell Township Planning Board, Monmouth County, New Jersey at a public meeting held on April 13, 2023.



Eileen Rubano, Secretary
Howell Township Planning Board

HOWELL TOWNSHIP PLANNING BOARD

EXHIBITS

SP-1102 / AASTHW Property, LLC
Preliminary and Final Major Site Plan

December 1, 2022

January 5, 2023

February 16, 2023

March 2, 2023

- A-1 Development application
- A-2 Application Checklist
- A-3 Preliminary and Final Major Site Plans consisting of forty-eight (48) sheets prepared by Bohler Engineering NJ LLC dated 11/30/21, last revised 2/15/23
- A-4 Natural Resources Inventory prepared by EcolSciences, Inc. dated 11/30/21
- A-5 Stormwater Management Report prepared by Bohler Engineering dated December 2022, last revised as Revision 6a, December 2022
- A-6 Traffic Impact Study prepared by Langan Engineering & Environmental Services, Inc. dated 11/30/21
- A-7 Environmental Impact Report prepared by EcolSciences, Inc. dated 11/30/21
- A-8 Stormwater Management Facilities Operations and Maintenance Manual prepared by Bohler Engineering dated June 2022
- A-9 Supplementary Subsurface Investigation/Hydrologic Soil Group Evaluation prepared by Melick-Tully & Associates dated 11/22/21
- A-10 ALTA/NSPS Land Title Survey consisting of two (2) sheets prepared by Control Point Associates, Inc. dated 6/16/21, last revised 2/8/23
- A-11 Architectural Plans consisting of two (2) sheets prepared by Mitchell and Hugeback Architects, Inc. dated 12/1/21 last revised 2/10/23
- A-12 Color rendering of the proposed warehouse as prepared by Mitchell and Hugeback Architects, Inc. dated 6/29/22
- A-13 Legal Description and Exhibit Sketch for the Lot Consolidation of Block 168, Lots 17, 18, 19.02, 19.04 & 19.08 prepared by Control Point Associates, Inc. Dated 12/1/21

- A-14 Legal Description and Exhibit Sketch for the Proposed Roadway Dedication for a portion of Lots 17, 18 & 19.08 in Block 168 prepared by Control Point Associates, Inc. dated 11/19/21
- A-15 Recorded Freshwater Wetlands Letter of Interpretation: Line Verification issued by the State of New Jersey Department of Environmental Protection dated 5/3/18
- A-16 Limited Site Investigation Report prepared by Melick-Tully & Associates dated 9/21/21
- A-17 2000 Foot Downstream Analysis prepared by Bohler Engineering dated 4/7/22
- A-18 Statement of Operations prepared by Bohler Engineering dated 8/19/22
- A-19 Overall Alternate Lighting Exhibit consisting of four (4) sheets prepared by Bohler Engineering dated 8/12/21, last revised 2/14/23
- A-20 Residential Buffer and Non-Residential Uses Exhibit prepared by Bohler Engineering dated 11/14/22, last revised 2/10/23
- A-21 Proposed Fire Pump and Tank Location Exhibit prepared by Bohler Engineering dated 11/30/21, last revised 8/18/22
- A-22 Overall Roadway Improvements Exhibit consisting of two (2) sheets prepared by Bohler Engineering dated 2/16/23
- A-23 Overall Site Layout Plan in color, consisting of one (1) sheet prepared by Bohler Engineering dated 11/30/21, last revised 2/13/23
- A-24 Aerial Exhibit consisting of one (1) sheet prepared by Bohler Engineering dated 2/13/23
- A-25 Legal Description for the proposed sight easement 1 prepared by Control Point Associates, Inc. dated 1/13/23
- A-26 Legal Description for the proposed sight easement 2 prepared by Control Point Associates, Inc. dated 1/13/23
- A-27 Proposed Sight Easements Plan consisting of one (1) sheet prepared by Control Point Associates, Inc. dated 1/13/23
- A-28 Freshwater Wetlands GP6 Non-Tributary Wetlands Permit issued by the State of New Jersey Department of Environmental Protection dated 1/25/23
- A-29 Traffic Volume Comparison undated

- A-30 Supplemental Geotech Report prepared by GZA dated 9/16/22
- A-31 Resubmission letter from Bohler Engineering dated 2/16/23
- A-32 Architectural Floor Plan and Building Elevations consisting of two (2) sheets prepared by Mitchell and Hugeback Architects, Inc. dated 3/4/22, last revised 6/29/22
- A-33 Architectural Color Rendering prepared by Mitchell and Hugeback Architects, Inc. dated 2-10-23
- A-34 Environmental Due Diligence memo from GZA dated 2/22/23
- A-35 A set of Street Perspectives consisting of two sheets prepared by Mitchell and Hugeback Architects, Inc. dated 2-28-23

INTEROFFICE REPORTS

- B-1 Fire Bureau site plan review dated 1/19/22
- B-2 Shade Tree Commission site plan review dated 1/19/22
- B-3 Environmental Commission site plan review dated 2/9/22
- B-4 Board Engineer's review letter dated 2/25/22
- B-5 Monmouth County Planning Board Final Approval dated 2/28/22
- B-6 Freehold Soil Conservation District Initial Application Review dated 12/13/21
- B-7 Environmental Commission site plan review dated 4/13/22
- B-8 Shade Tree Commission site plan review dated 4/20/22
- B-9 Preliminary Conceptual Sewer Service approval letter dated 4/7/22
- B-10 Preliminary Water Service Approval letter dated 4/7/22
- B-11 Fire Bureau site plan review dated 4/26/22
- B-12 Farmers Advisory Committee site plan review dated 4/28/22
- B-13 Monmouth County Board of Health site plan review dated 5/19/22
- B-14 Board Engineer's completeness memo dated 7/6/22

- B-15 Construction review letter dated 8/23/22
- B-16 Environmental Commission site plan review dated 9/14/22
- B-17 Shade Tree Commission site plan review dated 9/21/21
- B-18 Fire Bureau site plan review dated 9/13/22
- B-19 Board Engineer's review letter dated 10/07/22
- B-20 Monmouth County Board of Health site plan review dated 10/03/22
- B-21 Freehold Soil Conservation District review revisions letter dated 9/21/22
- B-22 Freehold Soil Conservation District review revisions letter dated 11/02
- B-23 Farmers Advisory Committee site plan review dated 10/27/22
- B-24 Freehold Soil Conservation District certification letter dated 11/18/22
- B-25 Board Planner's review letter dated 2/7/23
- B-26 Monmouth County Board of Health site plan review dated 2/21/23
- B-27 Farmers Advisory Committee site plan review dated 2/23/23
- B-28 Board Engineer's review letter dated 2/24/23
- B-29 Board Planner's review letter dated 2/24/23

NOTICE

PLEASE TAKE NOTICE THAT ON MARCH 2, 2023, THE PLANNING BOARD OF THE TOWNSHIP OF HOWELL GRANTED AN APPLICATION FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH DESIGN WAIVER RELIEF FOR BLOCK 168, LOTS 17, 18, 19.02, 19.04, & 19.08, AS DEPICTED ON THE TAX MAP OF THE TOWNSHIP OF HOWELL, AND MORE SPECIFICALLY LOCATED ON 308 & 413 FAIRFIELD ROAD, HOWELL TOWNSHIP, MONMOUTH COUNTY, NEW JERSEY, APPLICATION NUMBER SP-1102 TO DEVELOP THE SITE WITH ONE (1) WAREHOUSE BUILDING AS A WAREHOUSE USE. MAPS AND ACCOMPANYING DOCUMENTS ARE AVAILABLE FOR REVIEW IN THE OFFICE OF THE PLANNING BOARD, HOWELL TOWNSHIP MUNICIPAL BUILDING, 4567 ROUTE 9 NORTH, HOWELL, NEW JERSEY.

AASTHW PROPERTY, LLC