

TOWNSHIP OF FREEHOLD



MAYOR
Anthony J. Ammiano

TOWNSHIP COMMITTEE
Thomas L. Cook, Deputy Mayor
Barbara J. McMorrow
Lester A. Preston, Jr.
David M. Salkin

"Preserving and Enhancing the Quality of Life"

Timothy White, PE, PLS, CME
Township Engineer

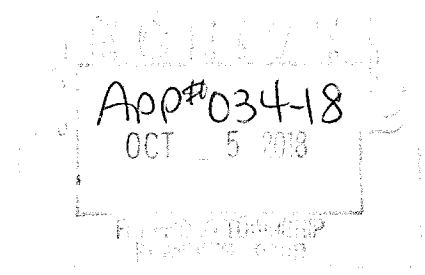
MEMORANDUM

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: October 4, 2018

RE: Barclay Property Management, LLC
Block 71.38, Lot 10
3338 Route 9
Request for a Certificate of Nonconformity (Application #034-18)



This review refers to the following:

- Zoning Schedule, Barclay Property Mngmt, LLC, 3338 US Route 9 North, Block 71.38, Lot 10, CMX-3 Zone, dated August 24, 2018, prepared and signed by William J. Mehr, Esq.
- List of prior tenants, 1990 – 2017, five (5) pages, undated, unsigned.
- As-Built Survey for Barclay Square, situated in Township of Freehold, Monmouth County, N.J., one (1) sheet, dated June 25, 1991, last revised July 30, 1999, prepared by Concept Engineering Consultants, P.A., signed by John J. Ploskonka, P.E. and Terence F. Reilly, L.S.
- Final Major Site Plan for Barclay Square, Township of Freehold, Monmouth Co., N.J., sixteen (16) sheets, dated March 30, 1988, last revised July 13, 1989, prepared by Concept Engineering Consultants, P.A., signed by John J. Ploskonka, P.E.

Executive Summary

The applicant is seeking a "Certificate of Non-Conformance" from the Planning Board for continued use and occupancy of the existing Barclay Square Shopping Center. The shopping center was originally approved between 1988 and 1989 under Site Plan #501-88. At the time of approval, the property was located within the B-1 Highway Development Zone where the proposed use was permitted and with the exception of the rear yard setback all bulk requirements were met. Currently, the subject property is located within the CMX-3 Corporate Multi-Use 3 Acres Zone, where the existing use is not permitted. As the shopping center pre-dates the existing zoning, the applicant is requesting a "Certificate of Non-Conformance" to ensure any future tenant changes are permitted as long as they comply with the zoning requirements in place during the time of prior approval.

DB Fi.

P-1



To: Planning Board
Re: Barclay Property Management, LLC
Block 71.38, Lot 10 – 3338 Route 9
Request for Certificate of Nonconformity (#034-18)

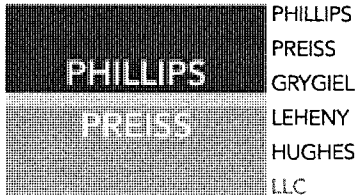
October 4, 2018

The following comments are provided:

1. This office performed an inspection of the site and the following maintenance related items were observed. Subject to approval by the Board, it is recommended that the applicant provide a maintenance schedule with a plan and appropriate construction details to address the following items:
 - a. There are numerous non-enclosed dumpsters at the rear of the building. All dumpsters shall be relocated into one of the three existing masonry enclosures. Additionally, it was noted that the existing enclosures are constructed of cinder block. It is the recommendation of this office to retrofit the existing enclosures to meet the requirements of Township Ordinance 190-122C (i.e. all enclosures shall have three sides constructed of masonry comprised of the same or compatible façade material as the building with a solid gate provided on the open side of the enclosure).
 - b. The parking lot is in poor condition with significant cracking, raveled pavement, and base failures (settled pavement). It is the recommendation of this office to mill and repave the parking lot and provide base repairs in the areas of the lot exhibiting failure. It should be noted that repaving of the parking lot will also require the existing inlets to be retrofitted in accordance with the stormwater design requirements found in Township Ordinance section 270-33
 - c. The accessible parking spaces and associated crosswalks do not appear to meet current ADA guidelines with respect to maximum cross slope. It is the recommendation of this office to regrade the parking spaces and crosswalks within the lot to meet current ADA requirements (maximum 2% cross slope). This can be completed during lot repaving operations.
 - d. The site exhibits several areas of cracked or spalled concrete sidewalk in addition to curbing that is cracked, settled, and/or heaved. It is the recommendation of this office to remove and replace all damaged curb and sidewalk at the site including the areas behind the building.
 - e. Sections of the fence along the rear of the property are missing and or damaged. It is the recommendation of this office to repair any damaged fencing.
 - f. At least one (1) damaged light fixture was observed. It is the recommendation of this office to replace all damaged or non-functioning lighting within the parking lot.

TIMOTHY P. WHITE
Township Engineer

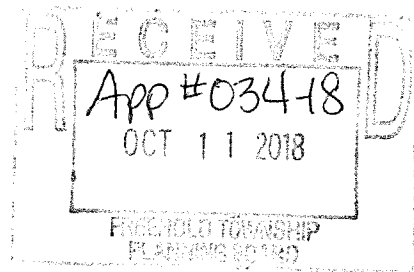
TPW/mb



Planning & Real Estate Consultants

October 11, 2018

Freehold Township Planning Board
c/o Danielle B. Sims, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728



Re: App #034-18
Planner's Review Letter
Barclay Property Management, LLC
3338 Route 9
Block 71.38, Lot 10
Request for a Certificate of Nonconformity

Dear Chairman and Members of the Board:

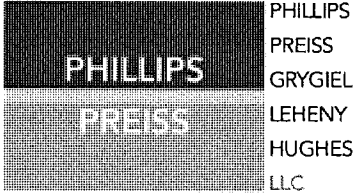
We have reviewed the above-referenced application, including the following documents:

- Sheet from site plan with aerial photo, prepared by John J. Ploskonka, PE, dated 6/25/1991
- Historic list of uses within subject property, prepared by the applicant, undated.

The applicant is seeking a certificate of nonconformity relating to the status of an existing multi-tenant shopping center on the subject property. The shopping center, known as Barclay Square, was originally approved by the Township Planning Board and constructed circa 1990. At this time, the property was located in the B-1 zone, where it was a permitted use. Since then, the zoning of the subject property has been changed to CMX-3, where retail stores are not permitted.

The subject property is located on the southbound side of Route 9, north of Route 524 (Elton-Adelphia Road) and Jackson Mills Road, and measures approximately 4 acres in area. Per information provided by the applicant and a review of Township tax records, the existing building measures approximately 30,400 square feet. The site is oriented towards Route 9 and also includes accessory parking and drainage areas. While the applicant has not provided copies of prior resolutions of approval, no additions or changes appear to have been made to the building since its initial approval.

The MLUL at N.J.S.A. 40:55D-68 permits any person interested in any land upon which a nonconforming use or structure exists to "apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming." Such an application shall be made to the administrative officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming, or at any time to the board of adjustment. The burden of proof shall be on the applicant. The applicant is



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presently seeking such a certification such that future tenant changes will be permitted within the shopping center under the original approval.

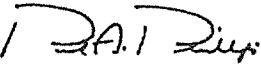
To this extent, the applicant has submitted a list of types of tenants and uses dating from the shopping center's construction in 1990 to the present as an example of the type of uses that would be covered by the certificate of nonconformity. The types of uses the applicant has listed include restaurants, tanning/beauty salons, medical offices, professional offices, fitness studios, convenience stores, and retail uses. The applicant should provide testimony and/or proof as to how these uses relate to those that were initially permitted under the B-1 zoning.

Sections 190-235 through 190-240 of the Township ordinance set forth further requirements for nonconforming uses. Nonconforming uses may be continued, as long as the lot is not reduced in size; a nonconforming building may not be enlarged or increased; and no nonconforming use may be expanded. The applicant is not seeking to increase the footprint or otherwise expand the subject property.

We note that per Section 190-37A(1) of the Township ordinance, any change of use requires site plan review and approval, including permitted uses. The applicant should be aware that if the certificate of nonconformity is granted, site plan review and approval may still be required for a change in tenancy.

We trust that the above information is responsive to your needs.

Respectfully submitted,



Paul Phillips, P.P., AICP

Cc: Frank Accisano, Planning Board Attorney
Timothy P. White, P.E., Township Engineer

J18286



TOWNSHIP OF
FREEHOLD

TOWNSHIP COMMITTEE
Thomas L. Cook, Deputy Mayor
Barbara J. McMorrow
Lester A. Preston, Jr.
David M. Salkin

"Preserving and Enhancing the Quality of Life"

Timothy White, PE, PLS, CME
Township Engineer

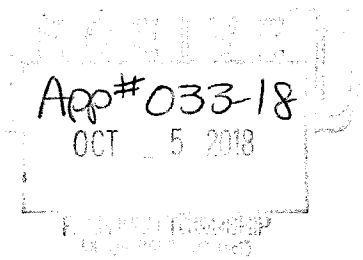
MEMORANDUM

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: October 4, 2018

RE: Chadwick Center Property Management, LLC
Block 80, Lot 5 (Previous Lot 7)
3333 Route 9
Request for a Certificate of Nonconformity (Application #033-18)



This review refers to the following:

- Zoning Schedule, Chadwick Property Management, LLC, 3333 US Route 9 North, Block 80, Lot 5, CMX-3 Zone, dated August 24, 2018, prepared and signed by William J. Mehr, Esq.
- List of prior tenants, 1986 – 2017, five (5) pages, undated, unsigned.
- Planning Board of the Township of Freehold, Resolution of Preliminary Site Plan Approval, Murray Lipman, Application No. 435-85, dated September 5, 2018.
- Preliminary and Final Site Plan for Block 80, Lot 7, Freehold Township, Monmouth County, N.J., three (3) sheets, dated May 1, 1985, last revised September 15, 1985, prepared by Concept Engineering Consultants, P.A., signed by John J. Ploskonka, P.E.

Executive Summary

The applicant is seeking a "Certificate of Non-Conformance" from the Planning Board for continued use and occupancy of the existing Chadwick Square Shopping Center. The shopping center was originally approved in 1985 under Site Plan application #435-85. At the time of approval, the property was located within the B-1 Highway Development Zone where the proposed use was permitted and all bulk requirements were met. Currently, the subject property is located within the CMX-3 Corporate Multi-Use 3 Acres Zone, where the existing use is not permitted. As the shopping center pre-dates the existing zoning, the applicant is requesting a "Certificate of Non-Conformance" to ensure any future tenant changes are permitted as long as they comply with the zoning requirements in place during the time of prior approval.



To: Planning Board
Re: Chadwick Center Property Management, LLC
Block 80, Lot 5 – 3333 Route 9
Request for Certificate of Nonconformity (#033-18)

October 4, 2018

The following comments are provided:

1. This office performed an inspection of the site and the following maintenance related items were observed. Subject to approval by the Board, it is recommended that the applicant provide a maintenance schedule with a plan and appropriate construction details to address the following items:
 - a. There are numerous non-enclosed dumpsters at the rear of the building. It is the recommendation of this office to provide centralized refuse enclosures in accordance with the current Township Ordinance (T.O. 190-122C).
 - b. The pavement within the perimeter access drives surrounding the parking lot and at the rear of the building are in poor condition. It is the recommendation of this office to mill and repave these areas of the site.
 - c. Sections of cracked curb and sidewalk were observed at the site. It is the recommendation of this office to remove and replace any damaged curb and/or sidewalk.
 - d. It is apparent that the applicant more recently (within 2-5 years) upgraded the site as it relates to ADA access by installing new access ramps, sidewalk, striping, etc. The applicant shall confirm that all existing improvements meet current ADA standards.
 - e. The split rail fence along the rear of the building in the area of the northern detention basin is in complete disrepair. It is the recommendation of this office to restore the fencing.
 - f. Portions of the black chain-link fence surrounding the main (front) detention basin are damaged. It is the recommendation of this office to repair the damaged fence.
 - g. Several trees have been removed from the parking lot islands and throughout the site. It is the recommendation of this office to restore the site landscaping in accordance with the original approved site plan.
 - h. The existing curb cuts along the western curb line of the parking lot (for overland drainage into the detention basin) are in disrepair. It is the recommendation of this office to restore these areas and provide rip rap protection at each curb cut where parking lot drainage flows into the basin.
 - i. The basin exhibits signs of standing water. It is the recommendation of this office to clean the basin of all silt and debris and regrade, top soil and seed the bottom to eliminate any standing water or low areas.
 - j. The existing trench drains at the site driveways shall be cleaned and the associated outlets into the basin shall be restored with rip rap.



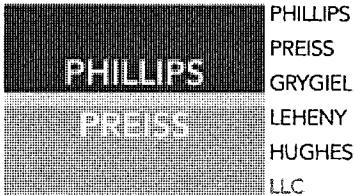
To: Planning Board
Re: Chadwick Center Property Management, LLC
Block 80, Lot 5 – 3333 Route 9
Request for Certificate of Nonconformity (#033-18)

October 4, 2018

2. Several repair vehicles from the adjacent auto body shop were observed along the southern row of parking spaces within the lot. It is the recommendation of this office to remove these vehicles and prohibit shared parking between the two adjacent lots.

TIMOTHY P. WHITE
Township Engineer

TPW/mb

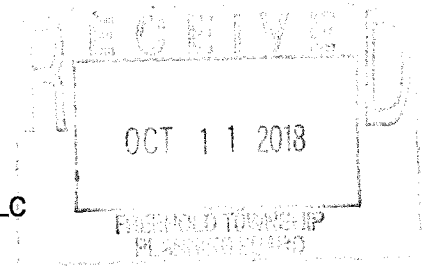


Planning & Real Estate Consultants

October 11, 2018

Freehold Township Planning Board
c/o Danielle B. Sims, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728

Re: App #033-18
Planner's Review Letter
Chadwick Center Property Management, LLC
3333 Route 9
Block 80, Lot 5
Request for a Certificate of Nonconformity



Dear Chairman and Members of the Board:

We have reviewed the above-referenced application, including the following documents:

- Sheet from site plan with aerial photo, prepared by John J. Ploskonka, PE, dated 5/1/1985
- Resolution of Approval for Application #435-85
- Historic list of uses within subject property, prepared by the applicant, undated.

The applicant is seeking a certificate of nonconformity relating to the status of an existing multi-tenant shopping center on the subject property. The shopping center, known as Chadwick Square Plaza, was originally approved by the Township Planning Board in 1985. At this time, the property was located in the B-1 zone, where it was a permitted use. Since then, the zoning of the subject property has been changed to CMX-3, where retail stores are not permitted.

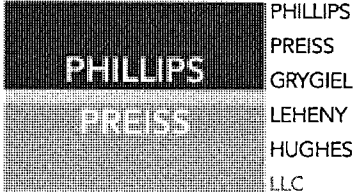
The subject property is located on the northbound side of Route 9, north of Route 524 (Elton-Adelphia Road), and measures 4 acres in area. The existing shopping center consists of a 31,500-square foot L-shaped building and associated parking and drainage areas. No additions or changes appear to have been made to the building since the initial approval.

The MLUL at N.J.S.A. 40:55D-68 permits any person interested in any land upon which a nonconforming use or structure exists to "apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming." Such an application shall be made to the administrative officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming, or at any time to the board of adjustment. The burden of proof shall be on the applicant. The applicant is

33-41 Newark Street
Third Floor, Suite D
Hoboken, NJ 07030
201.420.6262
www.phillipspreiss.com

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Planning & Real Estate Consultants

presently seeking such a certification such that future tenant changes will be permitted within the shopping center under the original approval.

To this extent, the applicant has submitted a list of types of tenants and uses dating from the shopping center's construction in 1986 to the present as an example of the type of uses that would be covered by the certificate of nonconformity. The types of uses the applicant has listed include restaurant, deli, beauty parlor, medical office, day care center, nail salon, yoga and martial arts studios, and retail stores. The applicant should provide testimony and/or proof as to how these uses relate to those that were initially permitted under the B-1 zoning.

Sections 190-235 through 190-240 of the Township ordinance set forth further requirements for nonconforming uses. Nonconforming uses may be continued, as long as the lot is not reduced in size; a nonconforming building may not be enlarged or increased; and no nonconforming use may be expanded. The applicant is not seeking to increase the footprint or otherwise expand the subject property.

We note that per Section 190-37A(1) of the Township ordinance, any change of use requires site plan review and approval, including permitted uses. The applicant should be aware that if the certificate of nonconformity is granted, site plan review and approval may still be required for a change in tenancy.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Paul Phillips, P.P., AICP

Cc: Frank Accisano, Planning Board Attorney
Timothy P. White, P.E., Township Engineer

J18287

TOWNSHIP OF FREEHOLD



*MAYOR
Anthony J. Ammiano*

*TOWNSHIP COMMITTEE
Thomas L. Cook, Deputy Mayor
Barbara J. McMorrow
Lester A. Preston, Jr.
David M. Salkin*

"Preserving and Enhancing the Quality of Life"

*Timothy White, PE, PLS, CME
Township Engineer*

MEMORANDUM

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: August 10, 2018

RE: Austin and Katie Keelen
Block 9, Lot 9
1 Topanemus Lane
Variance Application #024-18

This review refers to the following:

- Survey of Property (w/ mark-up of proposed porch), Tax Lot 9, Block 9, 1 Topanemus Lane, Township of Freehold, Monmouth County, New Jersey, one (1) sheet, dated October 25, 2016, prepared by Lakeland Surveying, signed by Marc J. Cifone, P.L.S.
- Zoning Schedule, Austin and Katie Keelen, Var. #024-18, 1 Topanemus Lane, Block 9, Lot 9, dated August 9, 2018, signed by Austin Keelen.
- Sketch of Proposed Porch, 1 Topanemus Lane, Township of Freehold, A & K Keelen, four (4) sheets, dated May 14, 2018, signed by Austin Keelen.
- Proposed Materials, one (1) sheet, undated, unsigned.
- Color Photographs of Existing Residence, one (1) sheet, undated, unsigned.

Executive Summary

The applicant is seeking approval to construct an approximate 12 ft x 36 ft (length of house) front porch with roof structure at the subject property. The property is located within the Residential R-40 zone and the applicant is requesting variance relief for front yard setback (37 feet provided where 65 feet is required). It should be noted that the property has several existing non-conformities including lot area, lot width, lot depth, front yard setback, and accessory building side yard setback.



TOWNSHIP OF FREEHOLD

To: Planning Board
Re: Austin and Katie Keelen
Block 9, Lot 9 – 1 Topanemus Lane
Variance Application #024-18

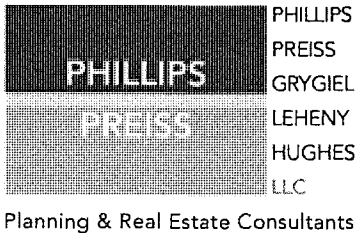
August 10, 2018

This office has no comments relative to any engineering issues.

A handwritten signature in black ink, appearing to read "Timothy P. White", is written over a horizontal line.

TIMOTHY P. WHITE
Township Engineer

TPW/mb



August 8, 2018

Freehold Township Planning Board
% Danielle B. Sims, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728

RE: Variance Application #024-18
Planner's Review Letter
Austin and Katie Keelen
1 Topanemus Lane
Block 9, Lot 9
R-40 Residential Zone

Dear Chairman and Members of the Board:

We have reviewed the above-referenced development application, including the following documents:

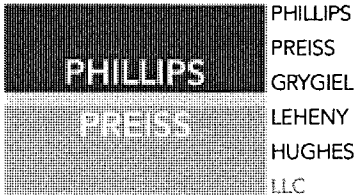
- Survey of Property for Block 9, Lot 9 in Freehold Township, prepared by Richard Marc J. Cifone, PLS, of Lakeland Surveying, dated 10/25/2016
- Sketches of proposed porch, prepared by Applicant, dated 5/14/2018
- Proposed porch materials, undated
- Site photographs, undated

Project Description

The applicant is seeking bulk "c" variance approval in order to construct a new covered front porch as an addition to an existing two-story single-family dwelling located on a corner lot. The proposed porch would encroach into the required front yard setback on Topanemus Lane.

The subject property measures 23,344 square feet (0.51 acres) and is developed with a two-story single-family residence and a detached garage. The property is located at the intersection of Waterworks Road and Topanemus Lane and has approximately 150 feet of frontage on each road. The property is located in the northern portion of the Township west of Route 9, south of Lake Topanemus, and north of the Township's border with the Borough of Freehold. All surrounding properties are also located in the R-40 Residential Zone.

The proposed porch would replace an existing concrete step landing that leads to the entrance of the house along Topanemus Lane. The porch would extend across the front façade of the house (36 feet wide) and extend 12 feet from the front building face.

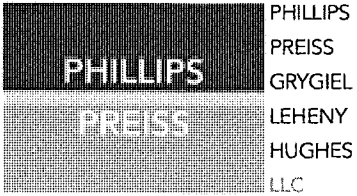


Planning & Real Estate Consultants

Per the architectural diagrams provided by the applicant, the porch would have a sloped asphalt roof with white columns and railings to match the existing trim of the house. The porch is proposed to be constructed of “pebble grey” composite deck boards.

Zoning Compliance & Planning Comments

1. The subject property is located within the Township’s R-40 Residential zone. The lot is undersized for a corner property in this zone and there are several preexisting nonconforming conditions, as follows:
 - Minimum lot area, corner lot: 40,000 square feet required, 23,344 square feet existing/proposed
 - Minimum lot depth: 165 feet required, 150 feet existing/proposed
 - Minimum side yard setback for an accessory structure (detached garage): 10 feet required, 4.9 feet existing/proposed
2. Per Section 190-103A, covered front porches are subject to the area, yard and building requirements for principal buildings as set forth in Schedule C of the Township Land Use Ordinance. The proposed front porch would be set back 37 feet from the front yard property line, where 49.2 feet is existing and 65 feet is required. As such, bulk “c” variance relief is required to permit the proposed porch to encroach on the setback. Testimony should be provided in support of this variance request.
3. There is a preexisting nonconforming condition related to the measurement of lot width at the building line, as required in Schedule C of the Township Land Use Ordinance. In the R-40 zone, a lot width of 200 feet is required at the building line, where 154 feet is existing. Due to the slightly irregular shape of the property, the lot width when measured from the building line of the proposed front porch would be reduced to approximately 153 feet. While a variance is technically required for exacerbating the existing nonconforming condition, this is de minimis in nature due to the slight irregularity in the property lines. No changes to the lot width, property lines, etc., are proposed.
4. The applicant should provide testimony regarding the proposed building materials/colors to be used to construct the porch and how they would relate to the cladding of the existing house and garage. The applicant has indicated that the trim and roof shingles will match the existing house.
5. As a bulk “c” variance is required in connection with the application, the Board must find that there is either undue hardship or practical difficulty associated with the strict application of the requirements of the zoning ordinance in connection with this specific piece of property; or that one or more purposes of zoning would be advanced by the deviation and the benefits of granting the



Planning & Real Estate Consultants

variance(s) for this specific piece of property would substantially outweigh any detriment. In addition, the Board must be satisfied that the granting of the variance(s) would not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Paul A. Phillips, P.P., AICP

cc: Frank Accisano, Planning Board Attorney
Timothy P. White, P.E., Township Engineer

J18222

TOWNSHIP OF FREEHOLD



MAYOR
Anthony J. Ammiano

TOWNSHIP COMMITTEE
Thomas L. Cook, Deputy Mayor
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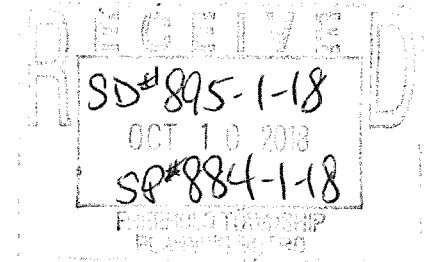
MEMORANDUM

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: October 9, 2018

RE: Regency at Freehold – Toll Bros., Inc.
Block 67, Lot 21 – 61 Route 33
Final Major Subdivision Phase 2 #895-1-18
Amended Preliminary and Final Major Site Plan #884-1-18



- Amended Site Plan, Regency at Freehold, Block 67, Lot 21, Tax Map #20, Township of Freehold, Monmouth County, New Jersey, twenty eight (28) sheets, dated April 14, 2016, last revised August 10, 2018, prepared by ESE Consultants, Inc., signed and sealed by Jay S. Kruse, P.E.
- Final Subdivision Plat, Phase 2, Preliminary & Final Major Subdivision Plan, Regency at Freehold, Township of Freehold, Monmouth County, New Jersey, one (1) sheet, dated June 1, 2016, last revised January 25, 2018, prepared by ESE Consultants, Inc., signed and sealed by John K. Pierce, P.L.S.
- Architectural Plans, Regency at Freehold Clubhouse, Toll Brothers, Inc., Freehold, NJ, eighteen (18) sheets, dated January 18, 2018, revised April 2, 2018, prepared by Toll Architecture, signed and sealed by Patricia J. Brubaker, R.A.
- Amended Site Plan Narrative, prepared by ESA Consultants, Inc., undated, unsigned.
- Amended Parking Summary for Regency at Freehold, prepared by ESE Consultants, undated, signed and sealed by Andrew J. Grover, P.E.
- Engineer's Report, Water Main System, The Regency at Freehold, Block 67, Lot 21, Freehold Township, Monmouth County, NJ, dated September 7, 2016, last revised August 10, 2018, prepared by ESE Consultants, Inc., signed and sealed by Jay S. Kruse, P.E.
- Engineer's Report, Sanitary Sewer System and Pump Station, The Regency at Freehold, Block 67, Lot 21, Freehold Township, Monmouth County, NJ, dated September 7, 2016, last revised August 10, 2018, prepared by ESE Consultants, Inc., signed and sealed by Jay S. Kruse, P.E.
- Colored Rendering, Regency at Freehold Clubhouse, undated.



To: Planning Board
Re: Regency at Freehold - Toll Bros., Inc.
Block 67, Lot 21
Subdivision #895-1-18
Site Plan #884-1-18

October 9, 2018

Executive Summary

On February 2, 2017 under subdivision application #895-16, the applicant received Preliminary and Final Phase 1 and Preliminary Phase 2 Major Subdivision Approvals for a 102 unit planned adult community. At this time, the applicant is seeking Final Subdivision approval of Phase 2, for the remaining 39 lots and associated infrastructure. With the exception of minor modifications to the site grading and utility elevations, there are no other changes to the construction plans related to the subdivision since the time of preliminary approval. Additionally, all required easements to the Township were recorded during the preliminary approval process.

In conjunction with the prior major subdivision approval on February 2, 2017, the applicant also received Preliminary and Final Major Site Plan Approval for a community clubhouse under site plan application #884-16. At this time, the applicant is seeking Amended Preliminary and Final Major Site Plan approval for clubhouse area modifications. The modifications include increasing the size of the clubhouse from 3,450 s.f. to 4,335 s.f., changing the orientation of the clubhouse pool from east-west to north-south, increasing the size of the pool deck by 1,140 s.f., modifying the driveway directly in front of the clubhouse entrance with approximately 400 s.f. of pavers, and adding an unmanned guardhouse to the second entrance island entering the site from Route 33. All other aspects of the prior clubhouse approval will remain the same, including parking layouts, number of spaces, and clubhouse amenities (tennis, bocce ball, and shuffleboard courts).

The following comments are provided:

1. That applicant shall revise the title of the construction plans to “Final Major Subdivision and Amended Preliminary and Final Major Site Plan.”
2. Revise final plat for Phase 2 to address the following:
 - a. Revise title block to reflect the existing lots to be subdivided (Block 67.01, Lot 14 and Block 67.03, Lot 1).
 - b. Show all setback lines for Block 67.01, Lots 19-28. The private utility easement in this area is overlapping/covering the rear setback lines.
 - c. Provide reference to the filed map number for Phase 1 at all match lines. For example: “Matchline – See Sheet RP01.01 (*Filed Map 319-15*)” and “Matchline – See Sheet RP01.02 (*Filed Map 319-16*).” Additionally, show the adjoining Phase 1 lot configuration in a gray tone.
 - d. Remove “40’ Perimeter Setback (Landscape Buffer)” from the plat as the entire 40 feet is not considered part of the landscaped buffer. The buffer is limited to 20 ft at the rear of the subject lots as noted. Additionally, revise the notation on the construction plans to remove “(Landscape Buffer)” from the related setback notation.
3. Update construction plan cover sheet to provide reference to the latest approved off-site water and sewer utility plans.
4. The proposed clubhouse improvements increase the impervious coverage at the site by approximately 0.1%. This increase is considered negligible and therefore does not require any modifications to the stormwater management facilities.



To: Planning Board
Re: Regency at Freehold - Toll Bros., Inc.
Block 67, Lot 21
Subdivision #895-1-18
Site Plan #884-1-18

October 9, 2018

5. Provide construction details for the access drive pavers and the guard shack and associated pad/foundation.
6. Applicant shall obtain and provide copies of all permits and/or approvals, as necessary and/or required from all involved outside regulatory agencies including but not limited to Monmouth County (Final Phase 2), MRRSA, OCUA and Freehold Soil Conservation District.

TIMOTHY P. WHITE
Township Engineer

TPW/mb



Mr. Timothy P. White, P.E.
Township Engineer
Township of Freehold
1 Municipal Plaza
Freehold, NJ 07728

**Regency at Freehold Phase II (formerly Parkside at Freehold)
Toll Brothers, Inc.
Block 67, Lot 21 – 61 Route 33
Phase II Final Major Subdivision # 895-1-18
Amended Preliminary & Final Major Site Plan No. 884-1-18
Sanitary Sewer and Water Systems Review**

Our Reference
373750FH01

September 13, 2018

Dear Mr. White:

3 Paragon Way
Freehold NJ 07728
United States of America

T +1 (732) 780 6565
F +1 (732) 577 0551
www.mottmac.com/americas

As requested by the Township of Freehold (the Township), we have reviewed the plans entitled: "Amended Site Plan Regency at Freehold, Block 67, Lot 21; Tax Map # 20, Township of Freehold, Monmouth County, New Jersey," with a last revision date of August 10, 2018, and prepared for the applicant Toll Brothers, Inc. by ESE Consulting, Inc. The plans were received by the Township Planning Board on August 10, 2018. The following items were submitted by the Applicant and reviewed for this project:

- A set of plans referenced above (28 sheets), prepared by ESE Consultants, Inc., dated April 14, 2016 and last revised August 10, 2018;
- A set of plans entitled "Regency at Freehold Clubhouse Toll Brothers, Inc. Freehold, NJ 07728" (18 sheets), prepared by Toll Architecture dated January 18, 2018;
- A one (1) sheet plan set entitled "Final Subdivision Plat Phase 2" prepared by ESE Consultants, Inc., dated June 6, 2016, with a last revision date of January 25, 2018;
- A copy of the Township Application for Final Approval Major Site Plan, dated August 10, 2018;
- A copy of the Township Application for Final Major Subdivision Application, dated August 10, 2018;
- An Amended Site Plan Narrative, received by the Township on August 10, 2018;
- A copy of a report entitled "Engineer's Report Sanitary Sewer System and Pump Station for the Construction Activities at: The Regency at Freehold Block 67, Lot 21 Freehold Township Monmouth County, NJ", prepared by ESE Consultants, Inc., with a last revision date of August 10, 2018; and
- A copy of a report entitled "Engineer's Report Water Main System for the Construction Activities at: The Regency at Freehold Block 67, Lot 21 Freehold Township Monmouth County, NJ", prepared by ESE Consultants, Inc., with a last revision date of August 10, 2018.

Executive Summary

The site in question (Block 67, Lot 21) is located on the westbound side of Route 33 Business between Route 9 and Wemrock Road. Currently, the lot is an open farm field and is vacant. The property is zoned as Planned Adult Community (PAC-4) per Township Ordinance O-15-24. With this submission, the Applicant is proposing to construct a 102-unit adult community with a clubhouse.

Water and Sewer General Comments

The Applicant is proposing to provide water service to the site by connecting to the Township water distribution system through an off-site water main extension. The water system is proposed to connect to an existing 16-inch water main stub at the Cardigan Bay Lane entrance/exit drive to the Raceway Mall and extend to the east along Business Route 33 to the proposed site. Additionally, the Applicant is proposing to connect to an existing 16-inch stub in front of the Irwin Lincoln car dealership located at the intersection of Route 9 and Business Route 33 and extend this water main to the west where it will connect to the eastern portion of the proposed development via Janet Rhea Road.

The Applicant provided a water report for the project that included an estimate of water demands for the new development based upon the construction of 102 three-bedroom single-family homes and a clubhouse with a pool. They had estimated a domestic water demand of approximately 45,640 GPD. It is anticipated that this project will require a Safe Drinking Water Permit to Construct from the NJDEP Bureau of Water System Engineering (BWSE).

The Applicant proposes to convey the wastewater from the site to a proposed on-site sanitary pump station to be situated in the southwest section of the property. The Applicant's Engineer has developed plans for the pump station and off-site sanitary force main as well as plans for the on-site gravity sewer system. The proposed force main will be installed via directional drilling to the west along the northern side of Business Route 33 and along Wemrock Road to the south side of the Route 33 Bypass. The proposed force main will discharge to a segment of gravity sanitary sewer that will be installed as part of this project and connected to an existing Township manhole.

The Applicant has also provided a revised sanitary sewer report for the project that includes an estimate of wastewater flows. They had previously estimated 26,595 gallons per day (GPD) of wastewater flow will be generated by the proposed development as outlined herein. The clubhouse has now been increased in size to 4,335 SF which will increase the projected flow to 26,684 GPD. It is anticipated that this project will require a Treatment Works Approval (TWA) from NJDEP and the project will require approvals from the Manasquan River Regional Sewerage Authority (MRRSA) and the Ocean County Utilities Authority (OCUA).

Sanitary Sewer Comments

The following should be addressed on the plans for the on-site sanitary sewer:

1. For the sanitary sewer between manhole B11 and B12, the sanitary sewer laterals that serve lots 1 through 6 of Block 67.03 should be installed above the proposed 24-inch storm sewer. A note should be added to the plans indicating this.



Water Main Comments

There are no comments on the water main design for the on-site water system. The following should be addressed on the plans for the off-site water main extension:

1. A hydrant assembly should be provided on the 16-inch off-site water main to enable the main to be properly flushed for testing and future maintenance. The hydrant assembly should be located between the 16"x8" tee that feeds the Regency at Freehold site and the 16-inch butterfly valve.

Should you have any questions regarding the above or require any additional information, please do not hesitate to contact this office.

Very truly yours,

Mott MacDonald

A handwritten signature in black ink that reads 'Brian T. Dougherty'.

Brian T. Dougherty, P.E.
Senior Associate
T 732.780.6565
brian.dougherty@mottmac.com

cc: Peter R. Valesi, Township Administrator
Robert Koches, Supt. Water & Sewer Utility
Danielle Sims, Planning Board Administrative Officer
Paul Vitale, Construction Official
Sean Reilly, Fire Code Inspector
Kyle A. Smith, PE, CME, (Mott MacDonald)
Rafael Mercado (Mott MacDonald)



THOMAS PLANNING ASSOCIATES, LLC

Professional Planning and GIS Consultants

P. O. Box 363

Brielle, New Jersey 08730-0363

Thomas A. Thomas PP

Tel: (732) 223-3215

tomplan@verizon.net

T. Andrew Thomas PP, AICP

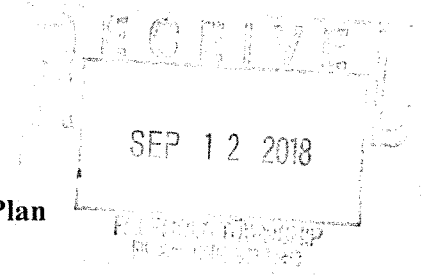
Tel: (732) 556-6711

andyplan@aol.com

September 12, 2018

Freehold Township Planning Board
c/o Danielle B. Sims, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728

**RE: APP #895-1-18 – Phase II - Final Major Subdivision
APP #884-1-18 – Amended Preliminary and Final Major Site Plan
Planner’s Review Letter #1
“Regency at Freehold” – Toll Bros, Inc.
Block 67, Lot 21 – Route 33
PAC-4 Zone**



Dear Mr. Chairman and Members of the Board,

I have reviewed the above-referenced application and offer the following comments:

1. **Documents Submitted.** I have reviewed the following documents submitted to the Township:
 - a. Application w/Narrative – dated 8/9/18
 - b. Architectural rendering – Clubhouse – Toll Architecture – (17 sheets) revised 4/2/18
 - c. Amended Site Plan (27 sheets) – prepared by ESE – Revised 8/10/18
 - d. Final Subdivision Plan – Phase II – (1 sheet) prepared by ESE- Revised 1/25/18
2. **Project Description.** This is an application for final major subdivision of Phase II and amended site plan approval for the 46.06 acre parcel known as the “Parkside at Freehold” property located in the PAC-4 zone and fronting on the north side of New Jersey State Highway Route 33 west of U.S. Route 9.

The applicant seeks approval for Phase II of the subdivision which is the remaining 39 single family age-restricted units of a residential development containing a total of 102 single-family age-restricted dwelling units. The applicant also seeks amended approval for the enlargement of the clubhouse from 3,450 sq. ft. to 4,335 sq. ft. Additionally there are proposed modifications to the amenities which include increasing area of the pool deck by 1,140 sq. ft., a change of orientation of the pool, modifications to the driveway access and the addition of an unmanned guardhouse near the entrance to the clubhouse.

P-4

PAF

3. **Planning Comments.** I offer the following comments for your consideration:

- a. **Proposed Clubhouse and Amenities Revisions** – The increase in the size of the clubhouse will not require any additional parking spaces since 13 spaces are required per the Ordinance and 24 are proposed and previously granted approval. I do not have any additional planning comments regarding the revisions to the clubhouse or amenities.
- b. **Site Plan** – The number of parking spaces now required for the clubhouse is 13. This should be changed from 10 required as shown on Page 4 of 28 of the site plan bulk requirement schedule.
- c. **Approvals** – Applicant is required to conform to any and all unsatisfied conditions in the Resolution granting preliminary major subdivision approval and major site plan approval.

If you have any questions or if I can be of further assistance please do not hesitate to contact me.

Very truly yours,

THOMAS PLANNING ASSOCIATES



T. ANDREW THOMAS, P.P., A.I.C.P

cc: Frank Accisano, Esq., Board Attorney
Timothy P. White, P.E., Township Engineer
Thomas A. Thomas, P.P., Thomas Planning Associates



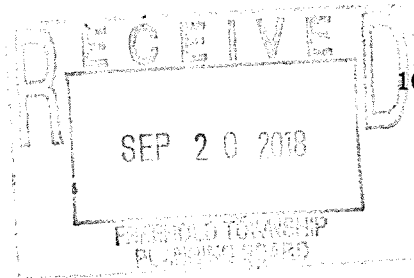
SPIEZLE ARCHITECTURAL GROUP, INC.

1395 Yardville Hamilton Square Road, Suite 2A
Hamilton, NJ 08691

866-974-7666

www.spiezle.com

100% employee-owned



September 7, 2018

Ms. Danielle Sims
Administrative Officer, Planning Board
Township of Freehold
One Municipal Plaza
Freehold, NJ 07728

**Re: 4th Architectural Review: Phase II – Final Major Subdivision # 895-1-18; Ammended Preliminary and Final Major Site Plan #884-1-18
Regency At Freehold - Toll Bros., Inc.
Block 67, Lot 21**

Dear Ms. Sims:

Pursuant to your request, we respectfully submit our architectural review of the above noted development project. We have received and reviewed the documents noted below:

- Application For Final Approval Major Site Plan
- Final Major Subdivision Application
- Amended Site Plan Narrative prepared by ESE, undated.
- Colored elevation/rendering of the Regency At Freehold Clubhouse – front view
- Architectural drawings C1, C2, GN101, GN101A, GN101B, GN103, A101-A701 prepared by Toll Architecture dated 4/2/18
- Final Subdivision Plat Plan Phase II, sheet 1 of 1, prepared by ESE and dated 01/25/18
- Site/Civil drawings 1-28 prepared by ESE and dated 08/10/18

Our review is based on our experience and specific reference to architectural design requirements noted in the Freehold Township Ordinance (T.O.), Chapter 190, Article XII, Section 114, Architectural Design Requirements for Commercial, Office and Industrial Development. With regard to this particular application, our comments are as follows:

1. As noted in the Amended Site Plan Narrative, this application details the changes to the proposed clubhouse to the extent that the clubhouse is now increased in size and footprint. The design generally complies with the intent of the Township Ordinance however no materials are enumerated on the drawings and no actual samples were supplied. As this application was previously approved and no demonstrable changes have been made with respect to materials and character of the building, this office takes no exception with the design as proposed.
2. The narrative and Club House Area Site Plan drawing 6 of 28, reference an unmanned guard house. Details were provided for this structure in the previous application. This review assumes that those details remain part of this application and as such, this office takes no exception.



The above comments are in regard to architectural design only and do not address issues such as, but not limited to, structural design, construction details, building code/NJUCC compliance, compliance with the Americans with Disabilities Act, or technical site considerations such as but not limited to lighting levels, landscaping selections and traffic engineering. Please feel free to contact me if there are any questions regarding the above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steve Leone", written over a horizontal line.

Steve Leone, AIA, LEED BD+C
Principal
SPIEZLE ARCHITECTURAL GROUP, INC.

MAYOR
Anthony J. Ammiano

TOWNSHIP COMMITTEE
Thomas L. Cook, Deputy Mayor
Barbara J. McMorrow
Lester A. Preston, Jr.
David M. Salkin

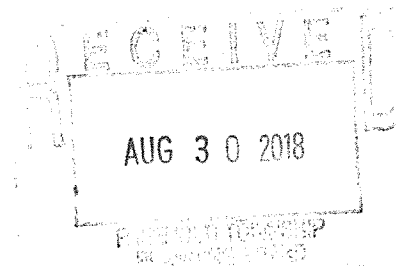


TOWNSHIP OF FREEHOLD

"Preserving and Enhancing the Quality of Life"

August 30, 2018

Freehold Township Planning Board
1 Municipal Plaza
Freehold, NJ 07728
ATT: Mrs. Danielle Sims



RE: Phase II Final Major Subdivision #895-1-18
Amended Preliminary and Final Major Site Plan #884-1-18
Regency at Freehold - Toll Bros., Inc.
Block 67, Lot 21

Dear Mrs. Sims

I performed a technical review of this project and have approved the plans as they were submitted.

Sincerely,

Shaun M. Reilly
Fire Official / Chief of the Board

P-6

RB Lion

TOWNSHIP OF
FREEHOLD



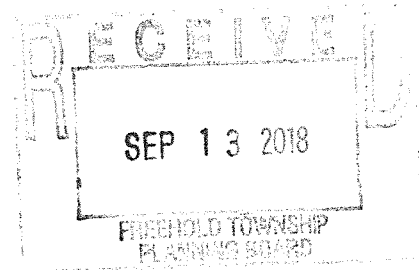
MAYOR
Anthony J. Ammiano

TOWNSHIP COMMITTEE
Thomas L. Cook, Deputy Mayor
Barbara J. McMorrow
Lester A. Preston, Jr.
David M. Salkin

"Preserving and Enhancing the Quality of Life"

MEMORANDUM

TO: Planning Board, c/o Danielle Sims, Administrative Officer
FROM: Michael D. Imbriaco, Township Tax Assessor
DATE: September 13, 2018
RE: Toll Bros., Inc
Phase II-Final Major Subdivision #895-1-18
Amended Preliminary & Final Major Site Plan #884-1-18
Regency at Freehold-Toll Bros., Inc
Block 67 Lot 21-61 Route 33



This review refers to the following:

- Amended Preliminary & Final Major Plan – Regency at Freehold, Phase II, Block 67 Lot 21, dated April 14, 2016, prepared by ESE Consultants, Inc., signed and sealed by John K. Pierce, P.L.S. The most recent preliminary & Final Major Site Plan was revised and dated August 10, 2018

I am satisfied and have no further comments.

Sincerely,

MICHAEL D. IMBRIACO
Tax Assessor, Freehold Township

MI/mi

P-7

PB File

TOWNSHIP OF
FREEHOLD



MAYOR
Anthony J. Ammiano

TOWNSHIP COMMITTEE
Thomas L. Cook, Deputy Mayor
Barbara J. McMorrow
Lester A. Preston, Jr.
David M. Salkin

"Preserving and Enhancing the Quality of Life"

Timothy White, PE, PLS, CME
Township Engineer

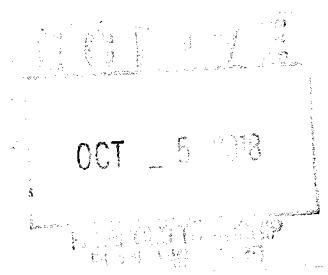
MEMORANDUM

TO: Planning Board, c/o Danielle Sims, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: October 5, 2018

RE: Gerardas Balciunas & Lina Balciuniene
Block 101, Lot 44
466 Ely Harmony Road
Variance Application #009-18
REVIEW #3



This review refers to the following:

- Site Plans (Lot Grading Plan, Detail Sheet, Demolition Plan, Survey), #466 Ely Harmony Road for Gerardas Balciunas & Lina Balciuniene in Township of Freehold, Monmouth Co., New Jersey, four (4) sheets, dated January 9, 2018, last revised August 20, 2018, prepared by Trenton Engineering Co., Inc., signed and sealed by Joseph Mester, P.E.
- Plan of Tree Removal, #466 Ely Harmony Road for Gerardas Balciunas & Lina Balciuniene in Township of Freehold, Monmouth Co., New Jersey, one (1) sheet, dated May 16, 2018, revised June 25, 2018, prepared by Trenton Engineering Co., Inc., signed and sealed by Joseph Mester, P.E.
- Soil Erosion and Sediment Control Plans, #466 Ely Harmony Road for Gerardas Balciunas & Lina Balciuniene in Township of Freehold, Monmouth Co., New Jersey, one (1) sheet, dated March 5, 2018, last revised June 25, 2018, prepared by Trenton Engineering Co., Inc., signed and sealed by Joseph Mester, P.E.
- Architectural Plans, Architectural Floor Plans, Proposed Single Family Residence, 466 Ely Harmony Road, Block 101, Lot 44, Township of Freehold, Monmouth County, NJ, three (3) sheets (A-0.2, A-0.3, A-0.4), dated May 8, 2018, prepared and signed and sealed by David B. Singer, A.I.A.
- Stormwater Management Report for 466 Ely Harmony Road, Block 101, Lot 44, Freehold Township, Monmouth County, New Jersey, dated May 7, 2018, prepared by Trenton Engineering Co., Inc., signed and sealed by Joseph Mester, PE, PLS, PP.
- Application for Tree Removal Permit, Block 101, Lot 44, 466 Ely Harmony Road.
- Amended Rider (to application), undated, unsigned.

DB File

P-26



To: Planning Board
Re: Gerardas Balciunas & Lina Balciuniene
Block 101, Lot 44
466 Ely Harmony Road
Variance Application #009-18
REVIEW #3

October 5, 2018

Executive Summary

The applicant is seeking approval to demolish an existing home and construct a new 3,798 s.f. one-story single family home with a 3-car attached garage and full basement on the above referenced undersized lot. The property also contains two (2) existing garage outbuildings where the applicant is proposing to demolish one of the garages and retain the second garage. The garage which will be retained is approximately 1,638 s.f. (36' x 45.5') and will serve as storage for lawn equipment, recreational equipment and equipment from the applicant's contracting business. The existing well and septic system will be decommissioned and replaced in new locations on the property. The subject lot is in the Rural Environmental (R-E) zone where variances are required for lot area, lot depth, front and side yard setbacks, building coverage, total impervious coverage, and the number and size of accessory garages. Additionally, a use variance (as needed) is requested for the storage of any commercial equipment on the property as a result of the owner's contracting business.

The following comments are provided:

1. In accordance with the Freehold Township Master Plan and the requirements of the Township Ordinance, the applicant will provide a 30 foot wide half-width right-of-way dedication to the Township of Freehold. The right-of-way dedication is measured 30 feet from the centerline of the existing physical roadway and will reduce the lot size from 2.50 acres to 2.21 acres. The applicant shall provide a metes and bounds description of the proposed dedication to this office for review. The deed of dedication shall be reviewed and approved by the Township Attorney's Office.
2. The applicant shall clear all trees within the limits of the right-of-way dedication.
3. The applicant is seeking a variance for exceeding the maximum allowable impervious coverage at the site (16.67% where 5% is permitted in the R-E zone). However, it should be noted that the lot is significantly undersized (2.21 acres where 10 acres is required) for the zone. The maximum impervious coverage in residential zones with similar lot size (R-80 and R-120) is 15%. Per the recommendation of this office, the applicant is proposing a 10' x 10' x 6' dry well/seepage pit to mitigate the increase in runoff for the impervious surfaces above 15%. This office takes no objection to the proposal.
4. Revise driveway detail to be in accordance with T.O. 190-81 (i.e. 6' D.G.A.B.C. and 2" NJDOT Mix I-5 Surface Course Pavement). Additionally, the secondary stone driveway shall be paved a minimum of 20 feet back from the edge of roadway.
5. The applicant shall obtain a tree removal permit from the Freehold Township Shade Tree Commission for all proposed tree removal.



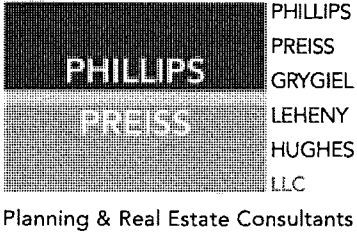
October 5, 2018

To: Planning Board
Re: Gerardas Balciunas & Lina Balciuniene
Block 101, Lot 44
466 Ely Harmony Road
Variance Application #009-18
REVIEW #3

6. The applicant shall obtain approval from the Freehold Township Health Department for the proposed new septic system and well and for the decommissioning of the existing well and removal of the existing septic system.

TIMOTHY P. WHITE
Township Engineer

TPW/mb



October 11, 2018

Freehold Township Planning Board
% Danielle B. Sims, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728

RE: Variance Application #009-18
Planner's Review Letter #4
Gerardas Balciunas and Lina Balciuniene
466 Ely Harmony Road
Block 101, Lot 44
R-E Rural Environmental Zone



Dear Chairman and Members of the Board:

We have reviewed the above-referenced development application, including the following documents:

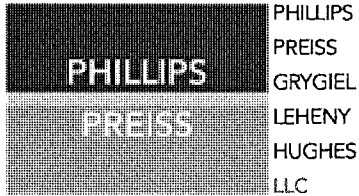
- Site Plan, including Topographic Survey, for 466 Ely Harmony Road consisting of 5 sheets, prepared by Joseph Mester, P.E., of Trenton Engineering Co., Inc., dated 1/9/18, and revised through 8/20/18
- Elevations and Floor Plans for Proposed Single-Family Residence, consisting of 3 sheets, prepared by David B. Singer, Architect, dated 2/26/18 and revised through 5/8/18.

Project Description

The applicant is seeking approval to demolish an existing dwelling and construct a new single-family residence on the subject property. As part of the proposal, lot frontage along Ely Harmony Road would be dedicated to the Township as part of the right-of-way. The applicant has submitted additional information indicating that a "d(4)" variance may be required for exceeding the permitted floor area ratio (FAR) in the R-E Zone. A "d(1)" use variance may also be required to permit commercial storage on the property.

The subject property measure 109,813 square feet (2.52 acres) and is irregular in shape. The entire lot frontage along Ely Harmony Road is proposed to be dedicated to serve as right-of-way. The portion to be dedicated measures between 20 and 30 feet in width from the front yard property line and totals 13,478 square feet. The proposed new lot area would be 96,235 square feet (2.21 acres).

The property is currently developed with a 1.5-story single-family home with 2 detached garages, paved driveway and patio areas, and a small shed. The two detached garages are located in the northeastern portion of the property and are



Planning & Real Estate Consultants

accessed via a stone driveway from Ely Harmony Road. The two garages include an older wooden structure measuring approximately 31.6 feet by 36 feet (1,138 square feet) and a newer garage measuring approximately 36 feet by 45.5 feet (1,638 square feet). A second driveway is located near the western portion of the property. Two movable trailers are located in the rear yard as depicted on the property survey provided by the applicant, which would be removed from the site as part of the current proposal. The rear portion of the property is forested.

The property is located on Ely Harmony Road, west of Monmouth Road (Route 537) and east of Hendrickson Road in the southwestern portion of the Township. There is single-family residential development to the east and west of the subject property along Ely Harmony Road and Crystal Court. Agricultural and forested land is located to the south of the property, including State of New Jersey and Township-owned conservation lands (e.g., West Turkey Swamp Park, etc.).

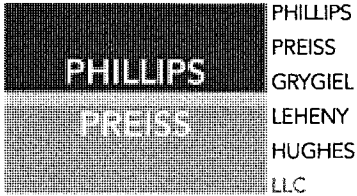
The applicant is proposing to demolish the existing residence and shed and a portion of the existing blacktop driveway and construct a new 3,798 square-foot, one-story dwelling with a lower cellar/basement level. The dwelling would include four bedrooms, two-and-a-half bathrooms and an attached three-car garage at grade level. The lower level is proposed to be finished.

The applicant is proposing to retain the larger, 1,638-square foot garage and its associated driveway and pavement areas, and resurface the existing stone driveway. The existing blacktop driveway in the western portion of the property would be removed and replaced with a new driveway to serve the proposed attached garage. A block concrete patio is proposed adjacent to the western side of the dwelling. A new septic system and well are also proposed as part of the application and would be located to the rear of the proposed residence. The provided building elevations appear to show that the proposed residence would be clad in stone and vertical siding with a shingle roof. The one-story residence would measure 20.2 feet in height.

Zoning Compliance & Planning Comments

1. The applicant has provided a breakdown of the proposed living space as follows:
 - First floor living area: 2,966 square feet
 - Attached garage area: 832 square feet
 - Finished basement area: 1,696 square feet

This equals up to a building footprint area of 3,798 square feet (first floor + garage) and an overall building area of 5,494 square feet (first floor + garage + basement). The lot size is proposed to be 96,238 square feet following right-of-way dedication. As such, the applicant has calculated an FAR of 0.0395 using a



Planning & Real Estate Consultants

“habitable area” of 3,798 square feet (first floor + garage). The R-E Zone permits a maximum FAR of 0.05.

We note that Section 190-3B of the Township Land Use Ordinance provides the following definitions related to floor area:

BASEMENT: A story partly underground, but having less than ½ its height below the average level of the adjoining ground.

CELLAR: A story partly underground and having more than ½ its height below the average level of the adjoining ground.

FLOOR AREA; GROSS HABITABLE; FLOOR AREA RATIO: In any and all buildings, the total gross area of all floors shall be calculated as follows for the corresponding types of buildings:

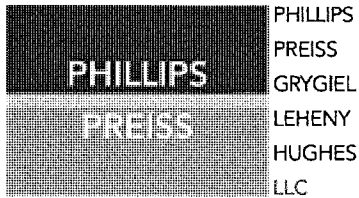
FLOOR AREA, GROSS HABITABLE: The sum of the areas of the floor or floors of a building which are enclosed and suitable for human occupancy and have a clear ceiling height of at least seven feet, six inches, including closet space, attached garages and hallways, and excluding cellars, attics, dead air space, open porches, breezeways, and all accessory buildings. Such area shall be measured from outside to outside of exterior walls or from the center line of the wall separating two dwelling structures.

FLOOR AREA RATIO (FAR): The sum of the floor area of all floors of buildings or structures, as calculated using the definitions set forth in “floor area,” compared to the developable total area of the site.

Per the definitions of “FLOOR AREA, GROSS HABITABLE” and “FLOOR AREA RATIO” provided in Section 190-3B of the Township Land Use Ordinance, attached garages shall be included as part of an FAR calculation. If both levels of living space were included in the FAR, the total floor area would be 5,494 square feet, for an FAR of 0.057 and “d(4)” FAR variance relief would be required.

The applicant’s professionals should confirm whether the proposed lower level meets the ordinance definitions of “cellar” or “basement” in order to determine the existing and proposed FAR. If the lower level cannot be shown to be a “cellar” and rather meets the definition of “basement,” a “d(4)” variance would be required. If the proposed lower level meet the ordinance definition of a cellar, in that more than half of its height is below the average adjoining grade level, the lower level area would not be included in the FAR calculations and the proposed FAR would be 0.0395, which complies with the ordinance requirements.

If a “d(4)” variance is required, the standard of proof comes directly out of the Randolph Town Center case. In such instances, an applicant has a lesser



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burden as compared to a “d(1)” or Medici-type variance. An applicant must advance special reasons but need not show that a site is particularly suited for the use. Instead, an applicant need only demonstrate that the site can accommodate any problems associated with a floor area ratio that is greater than what the zone allows.

The applicant must satisfy the negative criteria (i.e., demonstrate that the granting of relief will not cause substantial detriment to the public good or substantially impair the zone plan). With respect to both the positive and negative criteria, the Board must find that there will not be a substantial negative impact as a result of granting the variance, nor will the character of the neighborhood be altered as a result of the variance. The applicant should address these proof requirements in the context of the subject application.

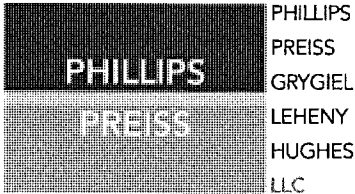
2. A minimum front yard setback of 150 feet is required for the principal building, where 39 feet is proposed; and a minimum side yard setback of 100 feet is required, where 48.68 feet is proposed to the westerly side yard property line. As such, “c” variance relief is required to permit deficient front and side yard setbacks for the proposed dwelling. The applicant should provide testimony as to any impacts of the undersized setbacks on neighboring properties or Ely Harmony Road.

We note that the existing dwelling has a front yard setback of 62.5 feet from the existing front yard property line, where the proposed dwelling would be 63 feet from the existing property line and 39 feet from the new front yard property line following the right-of-way dedication. The existing dwelling has a westerly side yard setback of 118.96 feet, which complies with ordinance standards.

3. The applicant is proposing to keep the larger of the two existing detached garages. While this is an existing structure, a review of Township records did not provide confirmation that it is either a legal nonconformity or that zoning permits were ever received. A permit was filed in 2005, which was approved but never finalized. No Certificate of Occupancy was issued.

Per Sections 190-126 and 190-3 of the Township Ordinance, one garage with a capacity for no more than 3 vehicles is permitted for residences in the R-E Zone, whether attached or as a freestanding accessory structure. A 3-car garage shall not measure more than 864 square feet or 24 by 36 feet. The applicant is proposing to keep an existing garage that exceeds this size and construct a new attached garage. Additionally, there are deficient setbacks associated with the detached garage. As such, bulk “c” variance relief is required as follows:

- Maximum number of garages: 1 permitted, 2 proposed;
- Maximum number of vehicle parking spaces: 3 permitted, ±9 proposed



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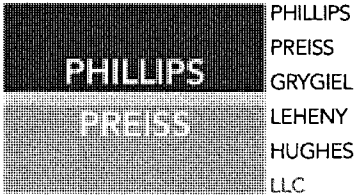
- Maximum size of an accessory garage: 36 feet by 45.5 feet (1,638 square feet) existing/proposed for detached garage to remain
- Side yard setback for an accessory structure: 100 feet is required, where the detached garage to remain is 54.7 feet from the easterly side yard property line;
- Rear yard setback for an accessory structure: 150 feet is required, where the detached garage to remain is 119.33 feet from the rear yard property line.

Testimony should be provided in support of these variances.

4. The applicant has provided revised materials indicating that they wish to keep the existing garage for business and/or storage use. No commercial uses are permitted in the R-E Zone. One (1) commercial vehicle may be stored on the property per Section 190-3. If the applicant wishes to utilize the garage for storage of additional commercial equipment or products, “d(1)” use variance relief may be required. Testimony should be provided as to the proposed use of the existing and proposed garages. Additionally, the applicant should discuss the existing conditions of the existing garage, including whether each has utility connections, plumbing, etc.
5. Per Section 190-110B, in all residential zones, any accessory structure exceeding 192 square feet in area shall be constructed of materials that are the same or similar to the materials of the principal structure. The applicant should provide testimony regarding the whether the existing detached garage would comply with the design of the proposed dwelling in this regard.
6. Several existing nonconformities would be exacerbated as a result of the proposed right-of-way dedication and would therefore technically require “c” variance relief:
 - Minimum lot area: 10 acres is required, where 2.5 acres is existing and 2.21 acres is proposed;
 - Minimum lot depth: 500 feet is required, where 366.68 feet is existing and 335.14 feet is proposed.

Testimony should be provided in support of these variances and as to the nature and details of the proposed right-of-way dedication.

7. The proposed application exceeds the permitted building and impervious surface coverage requirements. The site plans have been revised to show the correct building coverage of 5.65% following the right-of-way dedication, where 3% is permitted. The maximum impervious surface coverage in the R-E Zone is 5%, where 16.67% is proposed. As such, “c” variance relief is required for each of these conditions.



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We note that the lot is undersized for its zone (10 acres required, where 2.5 acres are existing and 2.21 acres are proposed). Several of the required bulk “c” variances appear to be a function of this existing condition, or are further exacerbated due to the right-of-way dedication. When calculated prior to the right-of-way dedication, impervious surface and building coverage would be reduced from existing conditions due to the removal of one of the existing garages and its associated paved areas.

8. The applicant should provide testimony and plans should be revised to indicate the proposed building and roof materials.
9. Ely Harmony Road is a designated Township Scenic Roadway Corridor per Section 190-160 of the Township Land Use Ordinance. The applicant should provide testimony describing the existing and proposed vegetation on the property and whether trees are proposed to be removed as part of this application. Based on the provided survey and a review of aerial photographs, it appears that there is substantial mature tree cover between the existing residence and Ely Harmony Road.
10. As “c” bulk variance(s) are required in connection with the application, the Board must find that there is either undue hardship or practical difficulty associated with the strict application of the requirements of the zoning ordinance in connection with this specific piece of property; or that one or more purposes of zoning would be advanced by the deviation and the benefits of granting the variance(s) for this specific piece of property would substantially outweigh any detriment. In addition, the Board must be satisfied that the granting of the variance(s) would not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Paul A. Phillips, P.P., AICP

cc: Frank Accisano, Planning Board Attorney
Timothy P. White, P.E., Township Engineer

J18090

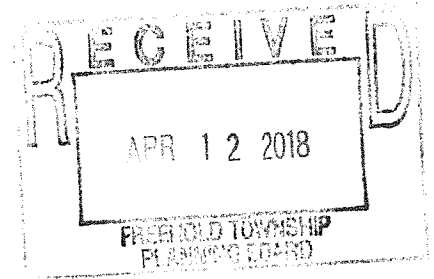
TOWNSHIP OF FREEHOLD



MAYOR
Anthony J. Ammiano
TOWNSHIP COMMITTEE
Thomas L. Cook, Deputy Mayor
Barbara J. McMorrow
Lester A. Preston, Jr.
David M. Salkin

"Preserving and Enhancing the Quality of Life"

TO: The Freehold Township Planning Board
FROM: Jeff Palatini, Principal REHS
DATE: April 12, 2018
SUBJECT: Gerardas Balcinuas & Lina Balciuniene
B: 101 L: 44
466 Ely Harmony Road
Variance Application #009-18



We have reviewed the information provided for the above referenced project. The Board of Health has no objection to the application and is conducting a review of the individual septic system application. Our office will contact the applicant for the necessary permit fee and their engineer for additional information as needed.