

EXHIBIT LIST

**Amended Preliminary & Final Major Site Plan Application - SP# 388-2-21
Variance Application - VAR# 010-21
APPLE HILL ACADEMY
Block 84, Lot 1.02 – 205 Elton Adelphia Road**

ADMINISTRATIVE & TECHNICAL (APPLICANT)

- A-1 a. Application for Prelim. Approval - Major Site Plan
b. Application for Final Approval – Major Site Plan
c. Application Variance
- A-2 a. Minor Site Plan Checklist – Part A Submission Documents
b. Minor Site Plan Checklist – Part B Plat / Map Requirements
c. Affidavit of Completeness
d. OSCAOL Waiver Request Minor Site Plan Part A & B
e. Waiver Request Minor Letter – Part A & B, prepared by Concept Engineering, PA, dated 4/25/2021
- A-3 Schedule B, Zone and Variances List
- A-4 Consent of Owner/Consent to Inspect/Disclosure Statement
- A-5 Escrow Maintenance Form/W-9/Email from Tax Collector, dated 2/19/21
- A-6 Waiver of Statutory Time Limitations
- A-7 Outside Agency Approvals, Letter from Jared M. Pape, Esq., dated 3/24/2021
- A-8 Declaration of Completeness from Todd Brown, Township Planner, dated 5/4/2021
- A-9 Feldman & Feldman Architects, Square Footage Certification Letter, dated 4/29/2021
- A-10 Architectural Plan [2 sheets], prepared by Feldman & Feldman Architects, revised 11/12/2020
- A-11 Amended Preliminary and Final Site Plan w/ Variance, prepared by Concept Engineering, revised 4/22/21
- A-12 Previous Resolutions: Zoning Bd of Adjustment - #15/83
Zoning Bd of Adjustment - #19/99
- A-13 Proof of Service

REPORTS/CORRESPONDENCE

- P-1 Memorandum from Timothy P. White, Township Engineer, dated 6/3/21
- P-2 Memorandum from Kate Keller, Phillip Preiss Grygiel , dated 6/7/2021
- P-3 Memorandum from Steve Leone, Spiezle Architects, dated 5/18/21
- P-4 Memorandum from Margaret B. Jahn, Township Health Officer, dated 5/20/21
- P-5 Memorandum from Shaun Reilly, Township Fire Official, dated 5/19/21



TOWNSHIP OF FREEHOLD

TOWNSHIP COMMITTEE
Anthony J. Ammiano, Deputy Mayor
Maureen Fasano
Lester A. Preston, Jr.
Alan C. Walker

"Preserving and Enhancing the Quality of Life"

Timothy White, PE, PLS, CME
Township Engineer

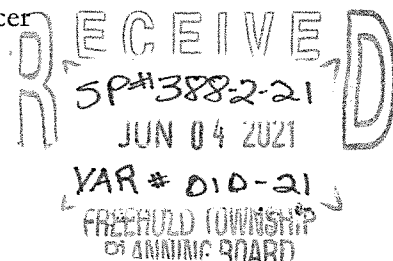
MEMORANDUM

TO: Planning Board, c/o Donna Butch, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: June 3, 2021

RE: Apple Hill Academy
Block 84, Lot 1.02 – 205 Elton Adelpia Road
Amended Preliminary & Final Major Site Plan Application #388-2-21
Variance Application #010-21



This review refers to the following:

- Amended Preliminary and Final Major Site Plan with Variance, Block 84, Lot 1.02, "Apple Hill Academy", 205 Elton Adelpia Road, Township of Freehold, Monmouth County, New Jersey, one (1) sheet, dated February 4, 2021, revised April 22, 2021, prepared by Concept Engineering Consultants, P.A., signed and sealed by John J. Ploskonka, P.E.
- Architectural Plans, Renovation for Apple Hill Academy, Freehold, NJ, two (2) sheets, dated November 12, 2020, prepared by Feldman Architects, signed and sealed by David H. Feldman, RA, AIA.
- Certification of Enclosure Square Footage, 205 Elton Adelpia Rd., Freehold, New Jersey, dated April 29, 2021, prepared by Feldman Architects, signed and sealed by David H. Feldman, RA, AIA.
- Waiver Requests, OSCAOL LLC/Apple Hill Academy, Site Plan & Use Variance, Expansion of Pre-Existing Non-Conforming Use, Block 84, Lot 1.02, 205 Elton Adelpia Road, Freehold Township, undated, unsigned.
- Completeness Response and Waiver Request Letter, Amended Preliminary & Final Major Site Plan with Variance, Apple Hill Academy, Block 84, Lot 1.02 – 205 Elton Adelpia Road, dated April 25, 2021, prepared by Concept Engineering Consultants, P.A., unsigned by John J. Ploskonka, P.E., P.P.
- Schedule A, Prior Resolutions, Apple Hill Academy, OSCAOL LLC, 205 Elton Adelpia Road, Freehold Township, NJ, Lot 1.02, Block 84, undated, unsigned.
- Schedule B, Zone and Variance Request, Apple Hill Academy, OSCAOL LLC, 205 Elton Adelpia Road, Freehold Township, NJ, Lot 1.02, Block 84, undated, unsigned.

P-1



To: Planning Board
Re: Apple Hill Academy
Amended Major Site Plan #388-2-21 and Variance #010-21
Block 84, Lot 1.02 – 205 Elton Adelphia Road

June 3, 2021

- Outside Agency Approvals Letter, Apple Hill Academy (the “Applicant”), 205 Elton Adelphia Road, Freehold Township, NJ 07728, Block 84, Lot 1.02, dated March 24, 2021, prepared by Heilbrunn Pape, signed by Jared M. Pape, Esq.

Executive Summary

The subject applicant (Apple Hill Academy) is an existing daycare facility. The applicant is seeking amended preliminary and final major site plan approval to enclose an existing open-air front entrance structure to create a 164 square feet enclosed vestibule area. The purpose of the enclosure is to provide an area to address COVID-19 protocols including but not limited to changing of shoes, completing health questionnaires and performing temperature screening. There are no additional site improvements proposed as part of the subject application. The applicant

The subject lot is located within the residential R-40 zone. A variance is required for the expansion of an existing non-conforming use. This office defers the township’s planning consultant related to the requested variance and any additional variances that may be required.

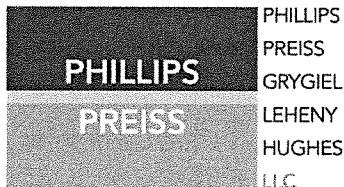
The following comments are provided:

1. Plans shall be revised to describe the existing ADA parking space(s) and ramp location(s) within the parking lot. Based upon the number of parking spaces, the lot must have at least one (1) ADA accessible space and the accessible space shall meet the requirements of being van accessible.
2. Plans shall demonstrate adequate ADA access/door-swing clearance at the entrance to the proposed enclosed vestibule.

This office has no additional comments relative to any engineering issues.

TIMOTHY P. WHITE
Township Engineer

TPW/mb

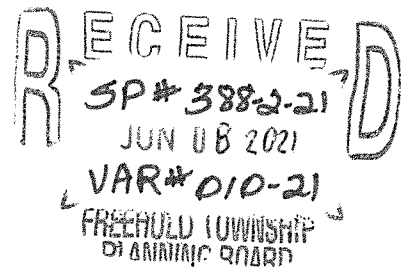


Planning & Real Estate Consultants

PHILLIPS
PREISS
GRYGIEL
LEHENY
HUGHES
LLC

June 7, 2021

Freehold Township Planning Board
% Donna Butch, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728



RE: **Amended Preliminary and Final Site Plan #388-2-21**
Variance App. #010-21
Planner's Review Letter
Apple Hill Academy
205 Elton Adelpia Road
Block 84, Lot 1.02
R-40 Single-Family Residential Zone

Dear Chairman and Members of the Board:

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

- Amended Preliminary and Final Site Plan with Variance for Block 84, Lot 1.02, "Apple Hill Academy," consisting of 1 sheet, prepared by John J. Ploskonka, PE, of Concept Engineering Consultants, PA dated 2/4/2021 and revised through 4/22/2021
- Architectural Plans for Renovation for Apple Hill Academy, consisting of 2 sheets, prepared by David H. Feldman, RA, AIA, of Feldman & Feldman Architects, dated 11/12/2020

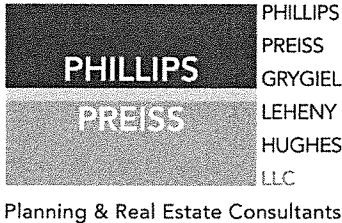
Project Description

The applicant is seeking amended site plan approval to enclose the existing covered entrance to a day care facility, known as Apple Hill Academy. The proposed enclosure would create a vestibule adding 164 square feet to the existing building area. As the day care facility was approved by the granting of a use variance in 1985 (Variance 015-83/SP 388-83), "d" variance relief is required to permit the expansion of the use.

The subject property measures 40,262 square feet (±0.92 acres) and is developed with the ±5,000-square foot Apple Hill Academy building, outdoor play areas, and a front yard parking area. Surrounding properties to the west and south are located in the R-40 Zone but are generally institutional in nature, including a house of worship and the Township Public Works facility. Single-family dwellings are located to the north in the R-25 Zone; multi-family and retail uses are located to the east in the HMUD Zone.

The existing covered entrance is located approximately 64.8 feet from the front yard property line. The applicant is proposing to enclose the entrance to create a separated area where staff can ensure compliance with ongoing COVID-19 safety protocols before entering the main facility. The enclosure would add ±164 square feet to the overall building footprint on an area that is currently covered by pavement, an increase

33-41 Newark Street
Third Floor, Suite D
Hoboken, NJ 07030
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of less than 0.5% of building coverage (12.1% existing, 12.5% proposed, 20% permitted). The façade would retain the existing roof and brick columns, with the remainder of the enclosure clad with a matching brick ledge and new doors and windows. The existing and proposed height is 16 feet, 2 inches.

In addition, the applicant has indicated that an existing “temporary shed” located in the rear yard would be relocated to be 10 feet from the side and rear yard property lines, in compliance with ordinance requirements.

Zoning Compliance & Planning Comments

1. The subject property is located in the R-40 Zone, where day care facilities of this type are not permitted. The applicant received initial “d(1)” use variance approval in 1985 to construct the facility, and subsequent “d(2)” and “c” variance approval in 1999 related to renovation and site improvements (Var. #19-99). Bulk “c” variance relief was granted from the following requirements in 1999:

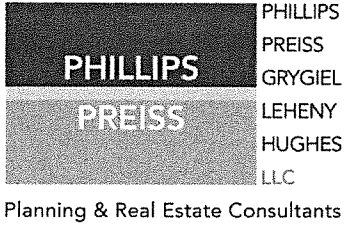
- Minimum lot coverage: 25% permitted, 47% provided
- Minimum side yard setback: 30 feet required, 29.42 feet provided
- Minimum sign setback: 15 feet required, less than 15 feet provided.

However, the zoning table on the site plan indicates that the impervious coverage is 24% and does not reference the 29.42-foot side yard setback. The applicant should provide information as to the status of these conditions on the site.

2. The enclosure of the front entrance constitutes an intensification of a use that is not permitted in the R-40 Zone. As such, “d(2)” variance relief is required to permit the expansion of a nonconforming use. The applicant shall provide testimony to affirmatively demonstrate “special reasons” (i.e., positive criteria) and also satisfy the negative criteria showing that the granting of the use variance will not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance. Per the standard as set forth in Burbridge v. Township of Mine Hill, 117 NJ 376, a “d(2)” applicant does not need to meet the “enhanced quality of proof” set forth in Medici, nor the particular suitability test as is required for a new “d(1)” use variance.

3. The closest point of the entrance is located 64.8 feet from the front yard property line, where 65 feet is required in the R-40 Zone. In its current condition, the entrance complies with §190-103A, per which open entrance porches are permitted to project up to 8 feet into a required front yard area. However, bulk “c” variance relief is technically required to permit the closed vestibule to encroach into the front yard setback by less than half a foot. Testimony should be provided in support of this request for variance relief.

4. As “c” bulk variances 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 variances 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,

Kate Keller, P.P., AICP

cc: Roger J. McLaughlin, Planning Board Attorney
Timothy P. White, P.E., Township Engineer

J21178



SPIEZLE ARCHITECTURAL GROUP, INC.
 1395 Yardville Hamilton Square Road, Suite 2A
 Hamilton, NJ 08691
 866-974-7666
 www.spiezle.com
100% employee-owned

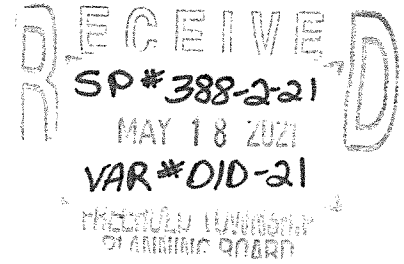
MEMORANDUM REPORT

To: Planning Board

From: Steve Leone, AIA, LEED ap
 Township Architectural Consultant (Spiezle)

Date: May 18, 2021

RE: **Application:** SP# 388-2-21 - Var# 010-21
Application: Amended Preliminary & Final Major Site Plan
Project: Apple Hill Academy
Block: 84 - Lot(s) 1.02 - Elton Adelphia Road
Zone: R-40
REVIEW # 1



Summary

This review is based on our experience and specific reference to architectural design requirements referenced in the Freehold Township Ordinance (T.O.), Chapter 190-41, R-40 Residential Zone, in connection with the above-referenced project. We have reviewed the following documents on which we make our subsequent recommendations:

Documents Reviewed

- Application letter submitted by Concept Engineering Consultants, P.A. and dated April 25, 2021
- Application for Final Approval Major Site Plan
- Application for Preliminary Approval Major Site Plan
- Application for Variance
- Minor Site Plan Checklist - Part A & Part B
- Waiver Request Letter
- Memo from David H. Feldman, RA, AIA, and dated April 29, 2021, certifying the area of the project as 164 square ft.
- Site/Civil drawing sheet 1 of 1 prepared by Concept Engineering Consultants, P.A. and dated 02-04-21
- Architectural drawings CS and A1 prepared by Feldman & Feldman Architects and dated 11.12.2020

Project Description

This application proposes to enclose an existing vestibule at the above-referenced facility, measuring approximately 164 sf for the purposes of providing an enclosed area for COVID-19 virus screening. No new impervious coverage will be added on this site.



Waiver Request

Applicant is seeking a waiver from submitting checklist items due to the minor nature of the project.

Architectural Design

1. The design as proposed, generally meets the intent of the T.O. (Township Ordinance) with regard to maintaining a traditional, "colonial" appearance. The applicant is enclosing an existing component of the building's structure without change to dimensions or proportions. The applicant is proposing that new materials namely brick, will match existing. Applicant is asked to confirm materials and color of the new windows and doors.
2. Applicant is asked to reconcile or confirm the bulk requirements table on the site/civil drawing that indicates changes to the lot coverage and front yard setback. We believe based on the submitted documents, that there is no change to the existing structure that would warrant a change in these bulk categories.
3. Applicant shall confirm change in side and rear yard setbacks for accessory buildings noted in the bulk table. There was no other documentation noting any change.
4. Applicant shall confirm that any roof mounted or ground mounted equipment, will be properly screened.
5. We recommend that the applicant provide testimony confirming that all building elements will be designed to comply with the Americans with Disabilities Act where and when required.

The above comments are relative to architectural design and site layout 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 lighting levels, and/or 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.

TOWNSHIP OF FREEHOLD



MAYOR
Thomas L. Cook
TOWNSHIP COMMITTEE
Anthony J. Ammiano, Deputy Mayor
Maureen Fasano
Lester A. Preston, Jr.
Alan C. Walker

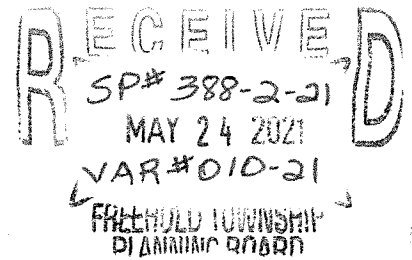
"Preserving and Enhancing the Quality of Life"

TO: The Freehold Township Planning & Zoning Board

FROM: Margaret B. Jahn, Health Officer

DATE: May 20, 2021

SUBJECT: Apple Hill Academy
205 Elton Adelpia Rd
Block: 84 Lot: 1.02
Pre & Final Major Site plan
SP# 388-2-21
VAR# 010-21



We have reviewed the information regarding the above referenced site plan. We have no objections to the proposed application.

P-4

MAYOR
Thomas L. Cook

TOWNSHIP COMMITTEE
Anthony J. Ammiano, Deputy Mayor
Maureen Fasano
Lester A. Preston, Jr.
Alan C. Walker

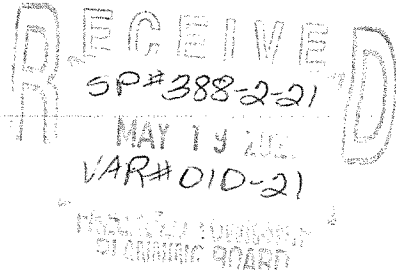


TOWNSHIP OF FREEHOLD

"Preserving and Enhancing the Quality of Life"

May 19, 2021

Freehold Township Planning Board
1 Municipal Plaza
Freehold, NJ 07728
ATT: Mrs. Donna Butch



RE: Apple Hill Academy
Amended Preliminary & Final Major Site Plan Application
Variance Application
Block 84, Lot 1.02- 205 Elton Adelpia Road
Distribution # 1

SP# 388-2-21
VAR# 010-21

Dear Mrs. Butch

I have performed a technical review of the application and have approved the plans as submitted.

Sincerely,

Shaun M. Reilly
Fire Official / Chief of the Board

P-5

EXHIBIT LIST

**Bi-furcated Use “D” Variance Application - VAR #004-21
Water Tech Corp
Block 28.13 Lot 7.03 – 400 Broadway**

ADMINISTRATIVE & TECHNICAL (APPLICANT)

- A-1 2021 Variance Application Form
- A-2 Zoning Schedule, 2 pages
- A-3 Consent of Owner/Consent to Inspect/Disclosure Statement
- A-4 Escrow Maintenance Form [2 pages]/W-9/Tax Statement
- A-5 Waiver of Statutory Time Limitations
- A-6 Declaration of Completeness from Todd Brown, Township Planner, dated 3/22/2021
- A-7 Boundary & Topographic Survey, prepared by William P. Schemel, PLS, dated 1/8/2020
- A-8 Variance Map, prepared by Christopher P. Rosati, PE, dated 12/2/2020
- A-9 Previous Resolutions: Application No. #004-17
Application No. SP#295-3-18 & VAR#002-18
- A-10 Proof of Service

REPORTS/CORRESPONDENCE

- P-1 Memorandum from Timothy P. White, Township Engineer, dated 4/27/2021
- P-2 Memorandum from Kate Keller, Phillips Preiss Grygiel, dated 5/4/2021
- P-3 Memorandum from Margaret B. Jahn, Health Officer, dated 5/20/2021
- P-4 Memorandum from Shaun M. Reilly, Fire Official, dated 3/24/2021

TOWNSHIP OF FREEHOLD



TOWNSHIP COMMITTEE
Anthony J. Ammiano, Deputy Mayor
Maureen Fasano
Lester A. Preston, Jr.
Alan C. Walker

"Preserving and Enhancing the Quality of Life"

Timothy White, PE, PLS, CME
Township Engineer

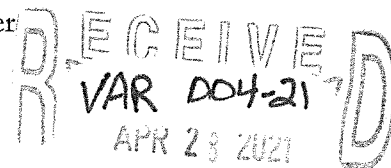
MEMORANDUM

TO: Planning Board, c/o Donna Butch, Administrative Officer

FROM: Timothy P. White, Township Engineer

DATE: April 27, 2021

RE: Water Tech Corp.
Block 28.13, Lot 7.03 – 400 Broadway
Bi-furcated Use "D" Variance Application (VAR #004-21)



This review refers to the following:

- Variance Map, 400 Broadway, Lot 7.03, Block 28.13, Tax Map Sheet No. 7, situated in Freehold Township, Monmouth County, New Jersey, prepared by FWH Associates P.A., signed and sealed by Christopher P. Rosati, P.E.
- Boundary & Topographic Survey, Lot 7.03, Block 28.13, situated in Freehold Twp., Monmouth Co., N.J., one (1) sheet, dated January 8, 2020, prepared by FWH, signed and sealed by William P. Schemel, P.L.S.

Executive Summary

The subject property is located in the Lake Topanemus Watershed – 40 District (LTW-40) and zoned for low density residential development. The property originally served and operated as an egg distribution facility. In 2017, a Notice of Violation was issued to the property owner for not obtaining the proper approvals for a change in use (change from egg distribution facility to tractor-trailer repair and tire wholesale). As such, the property owner appeared before the Board and received a use variance to allow warehousing and truck storage. As a condition of approval, no other use on the premises was permitted without appropriate application to the Planning Board for variance relief and site plan submission.

Subsequently, in 2018 and following discontinuance of the warehousing and truck storage, the subject property owner applied for and received use variance and site plan approvals from the Board for "GoGreen Power Co." which warehouses and distributes electrical and consumer products. Following approval by the Board, the applicant began the resolution compliance process, but never perfected the site plans.

Currently, the applicant is seeking a Bi-furcated use variance approval to operate a distribution company of swimming pools and spa vacuums (Water Tech Corp.). The applicant anticipates, on average, 30 employees, five (5) days per week (Monday through Friday) between the hours of 9:00 am to 5:00 pm. The site would be used as a distribution center only, without any retail operations on the property. The applicant anticipates daily delivery to the site, between 4-5 times per day.



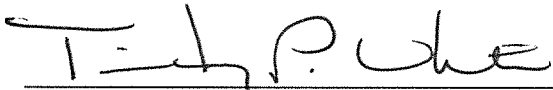
To: Planning Board
Re: Water Tech Corp.
Block 28.13, Lot 7.03 – 400 Broadway
Bi-furcated Use "D" Variance Application
VAR #004-21

April 27, 2021

The following comments are provided:

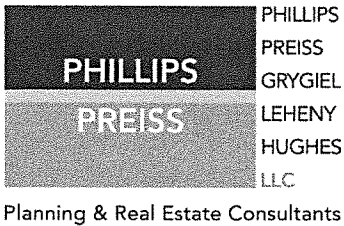
1. The applicant shall provide testimony related to the previously approved variance and site plan applications for GoGreen Power Co. and withdraw the prior approval as necessary.
2. Subject to use variance approval by the Board for the subject application, the applicant shall be required to submit a separate site plan application for review and approval by the Board and their professionals. The site plan shall address all conditions of the prior approvals, prior Township professional review reports and any new conditions that may be appropriate for the subject use and newly proposed improvements (parking lot expansion, building addition, etc.). including but not limited to concrete curbing, site lighting, buffer easements, landscaping and associated privacy berms, clarification of existing water and sewer utilities, stormwater management and all associated outside agency approvals.

This office has no additional comments at this time.



TIMOTHY P. WHITE
Township Engineer

TPW/mb



May 4, 2021

Freehold Township Planning Board
% Donna Butch, Administrative Officer
Freehold Township
1 Municipal Plaza
Freehold, New Jersey 07728

RECEIVED
VAR #004-21
MAY 05 2021

FREEHOLD TOWNSHIP
PLANNING BOARD

RE: **Variance #004-21**
Use "d(1)" Variance
Planner's Review Letter
Water Tech Corp.
400 Broadway
Block 28.13, Lot 7.03
Lake Topanemus Watershed (LTW-40) Zone

Dear Chairman and Members of the Board:

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

- Survey of Property, Lot 7.03, Block 28.13, Situated in Freehold Township, Monmouth County, N.J., consisting of 1 sheet, prepared by William P. Schemel, PLS, of FWH, dated 1/8/2020
- Variance Map, consisting of 1 sheet, prepared by Christopher R. Rosati, PE, of FWH Associates, P.A., dated 12/20/2020

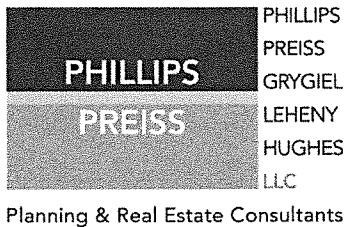
Project Description

The applicant is seeking bifurcated "d(1)" use variance approval to permit a pool equipment distribution company to operate on a site that is developed with two warehouse buildings and associated accessory structures. Parking and circulation improvements and a ±1,600 square foot warehouse addition are also proposed; however, the applicant has chosen to bifurcate the application and is not seeking site plan approval at this time.

The subject property measures 7.04 acres and is located on Broadway (Route 79) to the north of Trinity Place and to the south of East Freehold Road. Building 1 contains 5,035 square feet of warehouse space and is located in the northern portion of the property. Building 2 measures 36,167 square feet (including 23,524 square feet of warehouse space, plus garage and office areas) and is located to the south of Building 1. Land use in the vicinity of the subject property is single-family residential in nature, both along Broadway and within residential subdivisions to the east, north and south.

The subject property was used as an egg processing and distribution center until the 1990s, followed by a variety of office, warehouse, truck maintenance, and trailer repair uses. The property was the subject of a Planning Board application in 2017 (Var. #004-17), at which time a limited "d(1)" variance approval was granted to temporarily permit the existing trailer repair and truck tire sale uses on the site. Subsequently, a new

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Hoboken, NJ 07030
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application for “d(1)” use variance and preliminary and final major site plan approval was brought before the Planning Board in 2018 (Var. #002-18 and SP #295-3-18), at which time approval was granted to permit a storage/distribution tenant to operate within a portion of the property. It is unclear if or how the property has been utilized since 2018.

The applicant is identified as the contract purchaser of the site and is seeking use “d(1)” variance approval to operate a distribution facility for Water Tech Corp., an existing swimming pool and spa vacuum company. The proposed operations would be located within the existing structures and within a proposed 1,600 square foot addition to connect Buildings 1 and 2. Per the concept plan, the front parking area would be restriped to provide 55 parking spaces. New buffer plantings would be provided along the property lines adjacent to single-family residential uses and the existing rear loading dock would be screened.

In terms of operations, the applicant anticipates 30 employees, who would be on site from 9am until 5pm, Monday through Friday, and approximately 4-5 truck deliveries to the site per day.

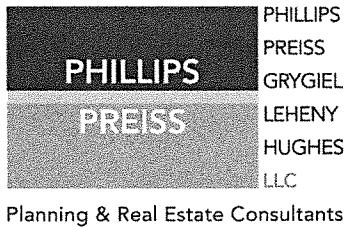
Zoning Compliance & Planning Comments

We offer the following for your consideration.

1. The subject property is located in the LTW-40 zone, which does not permit office, warehouse, distribution, or storage facilities. The purpose of the LTW-40 zone is to establish land use and development controls to maintain low-density residential development and environmental controls within the watershed area in order to prevent pollution of surface drainage and subsurface water resources. The only permitted use is single-family residential, with a number of special requirements and best management practices intended to minimize impacts on streams and intermittent streams within and adjacent to the district. A “d(1)” use variance is required.

The MLUL at N.J.S.A. 40:55D-70d(1) permits a Board to grant a variance to allow “a use or principal structure in a district restricted against such use or principal structure.” Per the MLUL, a “d” variance may be granted only “in particular cases for special reasons.” These “special reasons” for a use variance may include that the use is inherently beneficial, that the property owner would suffer undue hardship if compelled to use the property in conformity with the permitted uses in the zone, or that the site is particularly suited for the use so as to promote the general welfare.

In addition, a variance applicant must address the “negative criteria” and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality. A d(1) variance applicant for a use that is not inherently beneficial is further required to



address the “enhanced quality of proof” per Medici v. BPR Co. (107 NJ 1 [1987]): “the grant of a use variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance.”

2. Resolution #004-17 set forth certain conditions for future use of the property that would apply to all applications going forward in order to limit the impact on neighboring residential properties. With the understanding that the applicant is not seeking site plan approval at this time, testimony should be provided as to compliance with these conditions. In addition, we offer the following comments:
 - Condition #1: No truck or trailer entry is permitted outside of 8am to 5pm, Monday through Friday. There shall be no idling of truck engines on the site at any time. **The applicant is proposing to operate 9am-5pm, Monday through Friday.**
 - Condition #2: Site-wide restriction on any activities involving automotive, truck or trailer repair or maintenance of any kind. **No such activities appear to be proposed.**
 - Condition #5A: A 25-foot buffer with berm shall be provided between the subject premises and adjoining residential properties. **The applicant has indicated that a 25-foot buffer would be provided along all residential property lines; however, a berm is only shown along the easterly property line.**
 - Condition #5B: The area to the south of the existing building [Building 2] shall be used for employee parking only; no trucks or trailers shall be parked in this area. **No parking or loading of any type is proposed in this area.**
3. While the applicant has provided a brief statement of operations, additional testimony should be provided as to proposed truck movements, loading and deliveries, and refuse storage and pickup on the site. The applicant should also discuss efforts made to “assure maximum distance is maintained” between site operations and nearby residences per Condition #6 of Resolution #004-17.

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

Respectfully submitted,

Kate Keller, P.P., AICP

cc: Roger J. McLaughlin, Board Attorney
Timothy P. White, P.E., Township Engineer

TOWNSHIP OF FREEHOLD



MAYOR
Thomas L. Cook
TOWNSHIP COMMITTEE
Anthony J. Ammiano, Deputy Mayor
Maureen Fasano
Lester A. Preston, Jr.
Alan C. Walker

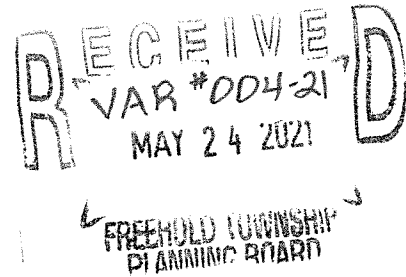
"Preserving and Enhancing the Quality of Life"

TO: The Freehold Township Planning & Zoning Board

FROM: Margaret B. Jahn, Health Officer

DATE: May 20, 2021

SUBJECT: Water Tech Corp
B: 28.13 L: 7.03
400 Broadway
Bifurcated Use "D" Variance #004-21



We have reviewed the information provided for the above referenced project. Historically, the site was serviced by a septic system and well. However, there is no record of the building being connected to city water and sewer, and there is no active payment account with Freehold Township. The applicant must provide proof of sewer and well connection, as well as appropriate abandonment of the septic system.

P-3

TOWNSHIP OF FREEHOLD



MAYOR
Thomas L. Cook

TOWNSHIP COMMITTEE
Anthony J. Ammiano, Deputy Mayor
Maureen Fasano
Lester A. Preston, Jr.
Alan C. Walker

"Preserving and Enhancing the Quality of Life"

March 24, 2021

Freehold Township Planning Board
1 Municipal Plaza
Freehold, NJ 07728
ATT: Mrs. Donna Butch

RECEIVED
VAR#004-21
MAR 24 2021

FREEHOLD TOWNSHIP
PLANNING BOARD

RE: Water Tech Corp
Bi-furcated Use "D" Variance Application
Block 28.13, Lot 7.03- 400 Broadway

VAR# 004-21

Dear Mrs. Butch

I have performed a technical review of the submitted plans and have approved them as submitted.

Sincerely,

Shaun M. Reilly
Fire Official / Chief of the Board

P-4