



# Township of Freehold

## OFFICE OF THE PLANNING BOARD

One Municipal Plaza, Freehold, NJ 07728

### REGULAR MEETING MINUTES November 7, 2019

The Regular Meeting of the Planning Board was called to order by Chairman Gatto on Thursday, November 7, 2019 at 7:00 p.m. at the Freehold Township Municipal Building, One Municipal Plaza, Freehold, New Jersey. Mr. Gatto read the Notice of the Open Public Meetings Law: "In accordance with the Open Public Meetings Law, (c.231.P.L. 1975), this meeting was announced by posting the notice on the bulletin board reserved for that purpose; by mailing such notice on January 18, 2019 to the official newspapers of the Township and by filing such notice with the Township Clerk."

**Present:** Mayor McMorrow, Mr. Ammiano arrived at 7:05, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer, Ms. Kurtz, Mr. Levy

**Absent:** Mr. Bazzurro, Mr. Asadi

**Also Present:** Matthew Bryant, Assistant Twp. Engineer; Frank Accisano, Esq.; Kate Keller, Phillips, Preiss, Grygiel; and Donna Butch, Administrative Officer.

There was the Pledge of Allegiance.

#### MINUTES:

##### Approval of Minutes: 9/19/2019

Mr. Shortmeyer made a motion and was seconded by Mayor McMorrow to approve the minutes. The motion passed with the following roll call vote: Mayor McMorrow, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash and Mr. Shortmeyer.

##### Approval of Minutes: 10/3/2019

Mayor McMorrow made a motion and was seconded by Ms. Jahn to approve the minutes. The motion passed with the following roll call vote: Mayor McMorrow, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer, and Ms. Kurtz.

##### Approval of Minutes: 1/18/18

Mr. Shortmeyer made a motion and was seconded by Mr. Kash to approve the minutes. The motion was passed with the following roll call vote: Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer and Ms. Kurtz.

#### RESOLUTIONS:

##### Variance #018-19

**Rozzi, Maria & Joseph (sold to Chris & Lauren Bracken)**

**Block 84, Lot 4.14 – 24 Polo Club Drive**

Mr. Shortmeyer made a motion and was seconded by Mayor McMorrow to approve the application and memorialize the resolution. The motion passed with the following roll call vote: Mayor McMorrow, Mr. Bruno, Mr. Coburn, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer and Ms. Kurtz.



## NEW APPLICATIONS:

### **Preliminary and Final Major Site Plan and Variance SP#882-1-19/VAR#023-19**

#### **Hackensack Meridian Health Realty Corp**

#### **Block 69.05, Lot 35.03 – 315 West Main Street**

Proposal to install a Generac Generator at the property currently used as medical office space and urgent care medical office. The proposed increase in impervious coverage by approximately 0.1% is de Minimis and will allow for the installation of a generator to promote patient care.

Mr. John Giunco, Esq appeared on behalf of the applicant. Mr. Accisano stated he reviewed the proof of notice submitted by the applicant which was correct in form, published and served in a timely fashion so the Board has jurisdiction to conduct a public hearing.

Mr. Giunco had no objection to the Exhibits to being marked and added to the record. Mr. Gatto read the review letters into the record. The applicant agreed to comply with all review comments, except for the proposed generator enclosure fencing. Specifically, the Applicant would rather install a green vinyl fence, with same-like colored bollards and complimentary landscaping. Asst. Twp. Engineer took no objection to this alternative.

Mr. Gatto opened the application to the public.

Ms. Victoria Tedesco, 337 Valley View Circle, Freehold Twp. inquired if the adjoining neighbors would hear the noise of the generator being proposed by Hackensack-Meridian. Mr. Gregory Domalewski, MidAtlantic Engineering, was sworn-in as a Professional Engineer, confirmed the neighbors would hear the generator, but it would be quieter than the decibel level of a standard residential lawnmower. Regular testing to be completed for the noise level of the generator.

Mr. Kash made a motion to close the public hearing, seconded by Mr. Ammiano. All in favor, Aye.

The application was moved by Mr. Ammiano and seconded by Mr. Kash to approve. All in favor, Aye.

### **Preliminary and Final Site Plan #857-1-16 & “D” Variance 035-18**

#### **J & O Associates, LLC**

#### **Block 71, Lot 11 – 3440 Route 9**

Proposal to renovate the façade of the existing rear building and to use the rear building as a primary use where it was previously only approved as accessory warehouse/storage to the primary (front) building.

Mr. Ammiano and Mayor McMorrow excused themselves from the meeting as the application contained a “d” variance.

Mr. Kenneth Pape, Esq, appeared on behalf of the applicant. Mr. Accisano stated he reviewed the proof of notice submitted by the applicant which was correct in form, published and served in a timely fashion so the Board has jurisdiction to conduct a public hearing.

Mr. Pape had no objection to the Exhibits A-1 to A-22 to being marked and added to the record. Mr. Gatto read the latest review letters into the record.

Pertaining to Township Engineer White’s review letter (Exhibit P-1), Mr. Pape offered a clarification that the existing rear building, made up of 5 tenant spaces and totaling 6,680 sf, would be used as follows: maximum of 3 spaces to be rented to outside users/contractors, 1 to be retained by owner for property maintenance items (snow/leaf blowers, ladders etc), and 1 for storage by one of the existing 5 tenants in the front of the building. Mr. Pape also wanted to retain the prior approvals that all 5 tenant spaces can still be rented out as storage for the front tenants.



Mr. Pape confirmed the applicant will comply with all items in the Twp Engineer Review Letter. Testimony will be presented by the Applicant's professionals if otherwise.

Mr. Gatto reviewed Ms. Keller's planning comments (Exhibit P-3). All comments to be addressed in testimony by the applicant's professionals. Ms. Keller confirmed for Mr. Gatto due to the elimination of tandem parking spaced, the proposed parking spaces will decrease from 53 to 43. As well as the rear parking space count to be reduced from 29 to 19. A variance will still be required.

All Professionals were sworn in: Matt Bersch, Dynamic Engineering (Applicant's Engineer); James Higgins, James W. Higgins Associates (Applicant's Planner); Kate Keller, Phillips Preiss Grygiel Leheny & Hughes, LLC Planners; Matthew Bryant, Freehold Twp. Asst. Engineer.

Mr Bersch presented Exhibit A-24 – Colored Landscaped and Site Plan, dated 11/7/2019, and reviewed the proposed application. Mr. Bersch confirmed the following items per Township Engineer report: (in order of presentation by applicant)

**Item # 3** - both buildings are existing and no expansion of footprint is proposed;

**Item # 9** - bollards will be installed to control traffic movements;

**Item # 7** - the lighting throughout the site will be addressed with the Township Engineer front and back per township ordinance;

**Item # 10** - additional curbing and bollards (if room is available) to be installed along the northern property line to prevent vehicles from leaving the applicant's property and encroaching on neighboring property;

**Item # 8** - clarified revisions to proposed site plan by crossed out the tandem parking being eliminated on the exhibit with a marker.

**Item # 5** - if a WB50 vehicle enters this site, it will be confined to the front of the building and not during peak hours;

**Item # 8 and overall** - there will be adequate parking for the site as shown on the plan.

**Item # 6** - there is physical space in the DOT right of way to install sidewalks. The necessary DOT permits will be sought by the applicant and keep the Township informed;

Mr. Pape confirmed 6 am will be earliest and 8pm will be latest use of the building.

Mr. Gatto questioned, for clarification, there are 5 spaces: 1 for landlord maintenance, 1 for the existing tenants' storage and 3 outside tenants.

Mr. Pape confirmed and put on the record a list of prospective tenants/uses to use the rear building. These include: pharmaceutical representative's supplies and samples; dry goods (including clothing and fabric), general contractors or tradesmen (not the storage of hazardous materials or fuels), moving company supplies, wholesale food distributor (ie: potato chips, soda), personal vehicle storage and janitorial supplies. Ms. Keller accepted the above tenant uses are generally considered dry goods. As an additional condition, Ms. Keller recommended no hazardous materials should be in stored in the tenant spaces.

Ms. Jahn asked if the driveway will be widened. Matt Bryant confirmed they are not able to widen, so he is asking some way to keep the cars from encroaching on the neighbor's property, hence the bollards.

Ms. Keller asked for clarification regarding Planning Letter Item #12 regarding proposed architectural revisions. Mr. Paper confirmed the recladding of the rear building has been completed, of which do compliment the front building materials.

Mr. Pape introduced Mr. Higgins as a licensed planner for the D1 and D2 variance relief being sought. Mr. Higgins in testimony confirmed both use variances are necessary. The positive criteria for the D1



Variance is that the improvement will assist the general welfare and benefit of the site. Although the D2 Variance is for an expansion of the existing non-conforming, the use is not expanding but only obtaining the necessary approvals. This application will improve the current rear building blight and in this case do justify the granting of this variance with no negative impact on the surrounding uses.

Ms. Jahn asked about personal vehicle storage and Mr. Higgins confirmed that storage will only be inside the storage areas, nothing outdoors.

Mr. Coburn inquired about deliveries to the rear building. Mr. Bersch said 12 would not be a lot and Mr. Pape confirmed there is plenty of room in the back for parking.

Mr. Gatto suggested, if the Board approves this application, the only signs that would be permitted are the existing 4 façade signs. All other signs should be removed.

Mr. Gatto opened the application to the public for questions and comments. Motion was made to close the public hearing by Mr. Kash and seconded by Mr. Shortmeyer. All in favor, Aye.

Motion made by Mr. Kash and seconded by Ms. Jahn to move for a positive resolution. All in favor, Aye.

The Board took a five minute recess at 8:06 pm.

Meeting resumed at 8:12 pm.

**Preliminary and Final Major Site Plan # 903-18 and Var.# 004-19 ["D" Variance]**

**Adolph F. Schultz Testamentary Trust Part B - RDM Group, Inc.**

**Block 79, Lot 6.01 – 558 Halls Mill Road**

Construct an approximately 69,000 sf warehouse to be used for shipping and receiving with associated office space and no on-site assembly or manufacturing. Improvements include driveways, sidewalks, utilities and drainage.

Mr. Kenneth Pape, Esq, appeared on behalf of the applicant. Mr. Accisano stated he reviewed the proof of notice submitted by the applicant which was correct in form, published and served in a timely fashion so the Board has jurisdiction to conduct a public hearing.

Mr. Pape had no objection to the Exhibits A-1 to A-22 to being marked and added to the record. Mr. Gatto read all of the latest review Professional letters into the record.

Pertaining to Township Engineer White's review letter (Exhibit P-2), the applicant will comply with all items in the report, except for items listed below of which testimony is to be provided:

**Item # 4** – Board to decide if a sidewalk to be installed before or after construction. (ie waiver)

**Item # 5 & 6** – the applicant will work with Twp Engineer during Resolution compliance for final contribution amount.

All Professionals were sworn in: Isaac Neuman, RDM; Tyler Vandervalk, Houser Engineering (Applicant's Engineer); Jeffery Fiore, Maser Engineering; David Feldman, Feldman & Feldman Architects (Applicant's Architect); Kate Keller, Phillips Preiss Grygiel Leheny & Hughes, LLC Planners; and, Matthew Bryant, Freehold Twp. Asst. Engineer.

The following exhibits were presented and entered into the record by Tyler Vandervalk:

**Ex A-21** - Aerial color rendering with existing surrounding properties.

**Ex A-22** - Close up aerial of exhibit A-21, showing outline of the main improvements on the site.

**Ex A-23** - Color rendering of the site improvements.

**Ex A-24** - Circulation plan for all vehicles.

**Ex A-25** - Preliminary Elevations and Floor Plan (2 drawings).



Mr. Pape reported the applicant has modified the architectural plans to reduce the building height from 40' to 35', resulting in not requiring a "d(6)" Variance.

Tyler Vandervalk, PE from Houser Engineering, provided engineering testimony that covered: location of site; description of surrounding uses, roads and zoning; parking and circulation on-site; topography and drainage;

Further discussion ensued with the Applicant agreeing that no trailers will be stored on-site for more than 30 consecutive days. The use is not to be used as long-term trailer storage.

Mr. Vandervalk discussed a 25' landscape buffer along the frontage and back toward the east, from Halls Mill Rd. Throughout the site, decorative grass, shrubs and evergreens to be installed to screen the site from Halls Mill Rd. The existing wooded area will remain. The applicant will add additional landscaping to meet the recommendations of Mr. Broberg's, of T & M Associates, review letter comments.

Pertaining to lighting, Mr. Pape provided cut sheets and details for proposed fixtures types.

**Ex A-25a** – Tear drop LED II Lighting specs (2 pages)

**Ex A-26** – Autobahn Series ATBO, Roadway Lighting

**Ex A-27** – Holophane Lighting Specifications

Supporting lighting testimony given by Mr. Vandervalk.

Pertaining to signage, the proposed double-sided monument sign will meet the requirements for the sign color pallet, setbacks, size. Materials for the sign to match the proposed building materials. Proposed lighting to be ground-up. The following exhibit was circulated to the Board and placed on the record.

**Ex A-28** - Colored rendering handout with signage.

Mr. Fiore, Licensed Engineer, provided traffic testimony that covered: adequate circulation provided for the vehicles in and out of this property; and, anticipated truck traffic patterns to major highways.

Mr. Feldman, licensed architect, provided architectural testimony that covered: elevations P-1 and a floor plan P-2 (Ex A-25); building material and colors; confirmation of building height reduction to eliminate "d(6)" variance; and, location of mechanicals (not on roof by on pad in property rear).

Mr. Pape responded to Operations comments raised in Ms. Keller's report that pertained to hours of operation. Specifically, proposing for 10 office and 10 loading dock employees during daytime hours, and only 10 loading dock employees after 9 pm.

The Board took a 5 minute recess at 9:10 pm for the applicant to discuss proposed hours of operation restriction. The Board returned at 9:15 pm.

The applicant accepted, as a condition of approval, to restrict tractor trailer deliveries on weekdays from 7am to 9pm and weekends from 9am to 9pm. The Applicant would need to come back to the Board for approval if the hours of operations were to change.

Mr. Gatto opened the meeting to the public.

Mr. Randall Reed of 554 Halls Mill Road, appeared and was sworn in. Mr. Reed asked for a confirmation of the hours of operation. Mr. Gatto confirmed the same times as noted above, and would not be 24-hour operations.

Mr. Shortmeyer made a motion to move to close the public hearing, seconded by Ms. Jahn. All in favor, Aye.

Mr. Shortmeyer made a motion for a positive resolution, seconded by Ms. Jahn. All in favor, Aye.



**Soil Removal/Fill Application # SR-04-19**

**Adolph F. Schultz Testamentary Trust Part B - RDM Group, Inc.**

**Block 79, Lot 6.01 – 558 Halls Mill Road**

**(see SP# 903-8/Var.#004-19)**

Mr. Pape had no objections that letters A-1 through A-2 would be marked and read into the record by Mr. Gatto.

The Soil Application was moved by Mr. Shortmeyer for a positive resolution and seconded by Mr. Kash. All in favor, Aye.

**CLOSED SESSION:**

Mr. Shortmeyer made a motion to go into closed session to discuss pending litigation, seconded by Mr. Kash; with all in favor. Mr. Frank Accisano, Esq. announced that the Planning Board has authorized a resolution allowing the Board to go into closed session, excluding the public from the hearings in order to discuss litigation for:

- Litigation – TMobile/Moini v. Freehold Township Planning Board
- Litigation – Platinum Motors v. Freehold Township Planning Board

The Board went into closed session at 9:30 pm.

The Board concluded closed session and reopened to the public at 9:49 pm.

**DISCUSSION:**

Mr. Accisano announced to the Board and any public in attendance that the Board has authorized him to correspond with the Platinum Motors applicant and address possible resubmission of application.

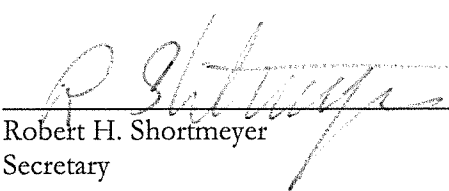
Mr. Accisano also announced that the Board has authorized him to file a stay to the NJ Supreme Court to certify the recent Appellate Division Court decision. Motion to approve both of the above items was made by Mr. Kash, seconded by Ms. Jahn. Motion passed with the following roll call vote: YES – Mr. Bruno, Mr. Cobrun, Mr. Gatto, Ms. Jahn, Mr. Kash, Mr. Shortmeyer, and Ms. Kurtz. NO – none.

Mr. Gatto confirmed who would be attending the next meeting on 11/14/19.

**ADJOURNMENT:**

Seeing no other business, Mr. Gatto adjourned the meeting at 9:55 pm.

Respectfully Submitted,

  
Robert H. Shortmeyer  
Secretary